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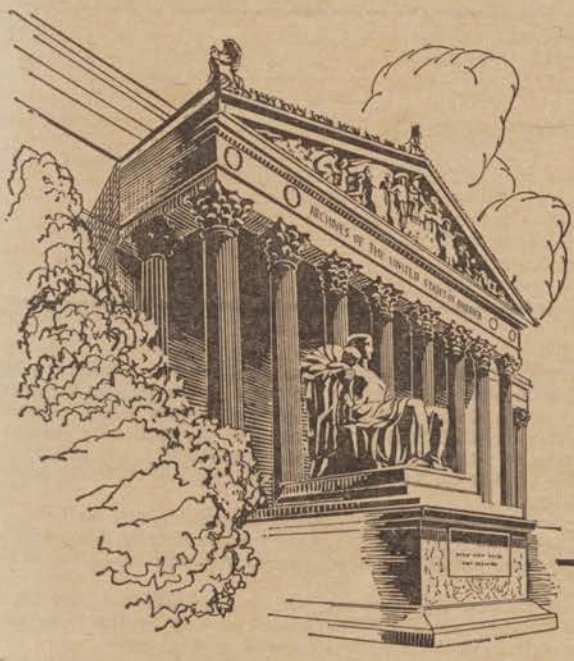

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## Title 3—THE PRESIDENT

### Proclamation 3740

### VETERANS DAY, 1966

**By the President of the United States of America**

**A Proclamation**

Since the birth of the Republic, more than half a million Americans have died for their country on the field of battle. Millions more have placed themselves as a living shield between their country and her enemies, emerging unscathed through the benevolence of a merciful Creator.

We have set aside one day of the year to honor the dead and the living whose actions have testified to their courage and devotion to country. On Veterans Day, we honor their heroism, we give thanks for their sacrifice, and we share—if only briefly and inadequately— the grief of loved ones who survive them.

We have preserved our freedom only through the continued willingness of brave men and women to risk the sacrifice of their lives for its sake.

We honor those who wore that uniform in days past, and those who wear it today. Especially this year our thoughts go out to the hundreds of thousands who are resisting the forces of aggression and violence in Vietnam.

We can never repay our debt to them, for it is beyond price. But we can show our recognition of the gift they have made their country. We can pay tribute to the nobility of man, as it is expressed in a soldier's courage.

To this end, the Congress has designated the eleventh of November as a legal holiday to be known as Veterans Day and has dedicated it to the cause of world peace (Act of May 13, 1938, 52 Stat. 351, as amended (5 U.S.C. 87a)).

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, call upon the people of our Nation to observe Friday, November 11, 1966, as Veterans Day, commemorating the service of our veterans of past wars, and pledging our full support to the men and women of today who are continuing the struggle for freedom and peace for which so many have fought and died. Let us join with fervor in this observance.

I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on this day. In order that this day may be marked and observed in accordance with its full purpose and meaning, I request officials of the Federal, State, and local governments, and civic and patriotic organizations, to give their enthusiastic leadership and support to appropriate public ceremonies throughout the Nation.

I also urge all citizens, and particularly students in our schools, colleges, and universities, and other younger citizens whose contemporaries now continue to support at great personal risk the ideals of freedom and peace, to take part in these ceremonies to demonstrate to all the world their support of those who fight today, as well as their homage to those who have borne the battle for these ideals in previous times.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of August in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 66-9816; Filed, Sept. 2, 1966; 1:50 p.m.]

## Proclamation 3741

### TWENTIETH ANNIVERSARY OF UNESCO

**By the President of the United States of America**

**A Proclamation**

On November 4, 1946, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) officially came into being as one of the specialized agencies of the United Nations.

UNESCO was created for the purpose of contributing to peace and security "by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations."

Our Government was active in the founding of UNESCO. It has continued to support the Organization in its effort to create a climate in the world in which a just peace may prevail.

UNESCO has a critical role to play in bringing the educational techniques of the developed world to the newly emerging nations of man's family. Its mission should embrace the simplest teaching, and the most sophisticated arts and sciences of which our species is capable.

As we work to build in America a truly great society, it is with hope and satisfaction that we look upon the work of UNESCO in its effort to advance the common welfare of mankind:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call to the attention of the people of the United States that November 4, 1966, is the Twentieth Anniversary of UNESCO and call upon them to observe the occasion with appropriate ceremonies and manifestations of support for the Organization.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of August in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
*Secretary of State.*

[F.R. Doc. 66-9815; Filed, Sept. 2, 1966; 1:50 p.m.]

## Executive Order 11301

### ESTABLISHING THE PRESIDENT'S COMMITTEE ON LIBRARIES AND THE NATIONAL ADVISORY COMMISSION ON LIBRARIES

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Committee.* (a) There is hereby established the President's Committee on Libraries (hereinafter referred to as the "Committee").

(b) The membership of the Committee shall consist of the Secretary of Health, Education, and Welfare, who shall be the Chairman of the Committee, the Secretary of Agriculture, the Director of the Office of Science and Technology, and the Director of the National Science Foundation, and may include, in addition, the Librarian of Congress who is hereby invited to be a member of the Committee. Each member of the Committee may designate an alternate, who shall serve as a member of the Committee whenever the regular member is unable to attend any meeting of the Committee.

SEC. 2. *Duties of the Committee.* (a) The Committee shall:

(1) Appraise the role of libraries as resources for scholarly pursuits, as centers for the dissemination of knowledge, and as components of the Nation's rapidly evolving communications and information-exchange network;

(2) Evaluate policies, programs, and practices of public agencies and private institutions and organizations with reference to maximum effective and efficient use of the Nation's library resources; and

(3) Develop recommendations for action by Government or by private institutions and organizations designed to ensure an effective and efficient library system for the Nation.

(b) Such recommendations shall take into account the final report of the National Advisory Commission on Libraries established by Section 3 of this order, which report shall be transmitted to the President with the recommendations of the Committee.

SEC. 3. *Establishment of Commission.* (a) To assist the Committee in carrying out its functions under Section 2 of this order, there is hereby established the National Advisory Commission on Libraries (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of not more than twenty members appointed by the President, none of whom shall be officers or full-time employees of the Federal Government. The President shall designate the Chairman of the Commission from among its members.

(c) The Commission shall meet on call of the Chairman.

(d) Each member of the Commission may be compensated for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

SEC. 4. *Duties of the Commission.* (a) The Commission shall transmit to the Committee its independent analysis, evaluation, and recommendations with respect to all matters assigned to the Committee for study and recommendations.

(b) In carrying out its duties under subsection (a), above, the Commission shall:

(1) Make a comprehensive study and appraisal of the role of libraries as resources for scholarly pursuits, as centers for the dissemination of knowledge, and as components of the evolving national information systems;

(2) Appraise the policies, programs, and practices of public agencies and private institutions and organizations, together with other factors, which have a bearing on the role and effective utilization of libraries;

(3) Appraise library funding, including Federal support of libraries, to determine how funds available for the construction and support of libraries and library services can be more effectively and efficiently utilized; and

(4) Develop recommendations for action by Government or private institutions and organizations designed to ensure an effective and efficient library system for the Nation.

(c) The Commission shall submit its final report and recommendations to the Committee no later than one year after the date of its first meeting, and shall make such interim reports as it deems appropriate for improving the utilization of library resources.

SEC. 5. *Federal departments and agencies.* (a) The Committee or the Commission is authorized to request from any Federal department or agency any information deemed necessary to carry out its functions under this order; and each department or agency is authorized, consistent with law and within the limits of available funds, to furnish such information to the Committee or the Commission.

(b) Each department or other executive agency the head of which is named in Section 1(b) of this order shall, as may be necessary, furnish assistance to the Committee or the Commission in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), or as otherwise permitted by law.

(c) The Department of Health, Education, and Welfare is hereby designated as the agency which shall provide administrative services for the Commission.

SEC. 6. *Termination of the Committee and the Commission.* The Committee and the Commission shall terminate ninety days after the final report of the Commission is submitted to the Committee.

LYNDON B. JOHNSON

THE WHITE HOUSE,
*September 2, 1966.*

[F.R. Doc. 66-9857; Filed, Sept. 6, 1966; 10:01 a.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 9]

### PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

### Requirements, Quotas, and Quota Deficits for 1966

*Basis and purpose and statement of bases and considerations.* The purpose of this amendment to Sugar Regulation 811 (30 F.R. 15313, 31 F.R. 2776, 2895, 3283, 5681, 7999, 9546, 9939, 11307) is to revise the determination of sugar requirements for the calendar year 1966, establish quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate deficits in quotas pursuant to the Sugar Act of 1948, as amended), hereinafter referred to as the "Act".

Section 201 of the Act directs the Secretary to revise the determination of sugar requirements at such times during the calendar year as he deems necessary.

Raw sugar offerings for arrival in October and early November continue in relatively short supply. In view of the seasonally strong distribution of refined sugar through August, additional quantities of readily available raw sugars are needed to meet the requirements of consumers. Accordingly, total sugar requirements for the calendar year 1966 are hereby increased by 50,000 short tons, raw value, to a total of 10,325,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. The governments of the Republic of the Philippines, Nicaragua, and Panama notified the Department prior to August 1, 1966, that they would be unable to fill that part of their 1966 sugar quotas in excess of 1,202,978, 19,000 and 13,000 short tons, raw value, respectively. Accordingly, a finding has heretofore been made (31 F.R. 11307) under section 202(d)(4) of the Act, that such failure of the Republic of the Philippines, Nicaragua, and Panama to fill its respective quota was due to crop disaster or other force majeure. Pursuant to section 204(b) of the Act, the quota, including prorated deficits, for the Republic of the Philippines has been reduced to 1,202,978 short tons, raw value; the quota for Nicaragua has been reduced to 19,000 short tons, raw value; and the quota for Panama has been reduced to 13,000 short tons, raw value, representing the approximate quantity of sugar each country will be able to supply in 1966.

It is herein determined that 110,860 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines shall be reprorated and total deficits are herein determined for Nicaragua and Panama of 32,010 and 18,185 short tons, raw value, respectively. In previous actions taken prior to September 1, 1966 (31 F.R. 11307), the deficit in the quota determined for Panama of 17,590 short tons, raw value, plus 105,430 short tons, raw value, of the deficit previously allocated to the Republic of the Philippines, which totaled 123,020 short tons, raw value, was allocated to the Dominican Republic on August 26, 1966, on the basis of a determination issued by the President to the Secretary of Agriculture dated August 17, 1966; and 31,040 of the deficit for Nicaragua was prorated to other Central American Common Market countries.

Such previous allocation of deficits are not disturbed by the action taken herein.

As a result of the increase in consumption requirements determined herein and under section 204(a) of the Act, Nicaragua has an additional deficit of 970 short tons, raw value, which is prorated herein to other Central American Common Market countries; Panama has an additional deficit in the amount of 595 short tons, raw value, and the Republic of the Philippines will be unable to fill the deficit previously allocated to it in the additional amount of 5,430 short tons, raw value, which amounts totaling 6,025 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect.

*Effective date.* This action increases by 50,000 short tons, raw value, the quantity that foreign countries, other than the Republic of the Philippines, may import. To permit such countries for which larger prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.40, 811.41, 811.42, and 811.43 as follows:

1. Section 811.40 is amended to read as follows:

**§ 811.40 Sugar requirements, 1966.**

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966 is hereby determined to be 10,325,000 short tons, raw value.

2. Section 811.41 is amended by amending subparagraph (1) of paragraph (a) to read as follows:

**§ 811.41 Quotas for domestic areas.**

(a)(1) For the calendar year 1966 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

| Area | Quotas (1) | Direct-consumption limits (2) |
|---|---|---|
| | *(Short tons, raw value)* | |
| Domestic beet sugar | 3,025,000 | (1) |
| Mainland cane sugar | 1,100,000 | (1) |
| Hawaii | 1,200,227 | 35,312 |
| Puerto Rico | 1,140,000 | 154,875 |
| Virgin Islands | 15,000 | 0 |

[1] No limit.

* * * * *

3. Section 811.42 is amended by amending paragraphs (b) and (c) to read as follows:

**§ 811.42 Proration and allocation of deficits and quotas in effect.**

* * * * *

(b) Pursuant to section 204(a) of the Act, a deficit is hereby determined in the section 202 quota determined herein in § 811.43 for Nicaragua amounting to 32,010 short tons, raw value. Of such amount, 31,040 short tons, raw value, previously allocated to other Central American Common Market countries on August 26, 1966 (31 F.R. 11307), are hereby allocated in the same manner, and 970 short tons, raw value, are allocated in § 811.43 to other Central American Common Market countries able to fill additional quota.

(c) Pursuant to section 204(a) of the Act, a deficit of 18,185 short tons, raw value, is hereby determined in the section 202 quota for Panama referred to in § 811.43 and it is hereby determined that the Republic of the Philippines will be unable to fill the proration established in paragraph (a) of this § 811.42 of 195,963 short tons, raw value, by 110,860 short tons, raw value. In accordance with section 204(a) of the Act and a Presidential memorandum dated Au-

gust 17, 1966, 17,590 short tons, raw value of the Panama deficit and 105,430 short tons, raw value of the Philippine shortfall were allocated on August 26, 1966, to the Dominican Republic, and such allocation is hereby reestablished. Pursuant to section 204(a) of the Act, the additional deficit for Panama of 595 short tons, raw value, and the additional 5,430 short tons, raw value, of the deficit proration which the Republic of the Philippines is unable to fill are prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar.

4. Section 811.43 is amended by amended paragraphs (a), (b), and (c) to read as follows:

**§ 811.43 Quotas for foreign countries.**

(a) For the calendar year 1966, the quota for the Republic of the Philippines is 1,202,978 short tons, raw value, representing 1,117,875 tons established pursuant to section 202 of the Act and 85,103 short tons established pursuant to section 204 of the Act.

(b) Of the quantity of 1,117,875 short tons established in paragraph (a) of this section, only 59,920 short tons, raw value, may be filled by direct-consumption sugar, pursuant to section 207(d) of the Act.

(c) For the calendar year 1966, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in amendments 5 and 8 of this § 811.43 (31 F.R. 7999, 11307), are shown in column (3). In column (4) the additional deficit in the section 202 quota for Nicaragua due to the increase in requirements and amounting to 970 short tons, raw value, is prorated herein to other Central American Common Market countries; the additional deficit in the section 202 quota for Panama due to the increase in requirements, amounting to 595 short tons, raw value, and the additional portion of the previously prorated deficit which the Republic of the Philippines is unable to fill, amounting to 5,430 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas recently in effect. Total quotas and prorations are herein established as shown in column (5).

| Country | Basic quotas | Temporary quotas and prorations pursuant to sec. 202(d) [1] | Previous deficits and deficit prorations | New deficits and deficit prorations | Total quotas and prorations |
|---|---|---|---|---|---|
| Mexico | 210,376 | 220,090 | 43,365 | 1,126 | 474,957 |
| Dominican Republic | 205,749 | 215,249 | 165,432 | 1,399 | 587,829 |
| Brazil | 205,749 | 215,249 | 42,412 | 1,101 | 464,511 |
| Peru | 164,109 | 171,687 | 33,828 | 878 | 370,502 |
| British West Indies | 82,191 | 73,908 | 16,942 | 415 | 173,456 |
| Ecuador | 29,937 | 31,319 | 6,171 | 160 | 67,587 |
| French West Indies | 25,855 | 23,249 | 5,330 | 131 | 54,565 |
| Argentina | 25,310 | 26,479 | 5,217 | 136 | 57,142 |
| Costa Rica | 24,222 | 26,788 | 17,753 | 558 | 69,321 |
| Nicaragua | 24,222 | 26,788 | 31,040 | 970 | 19,000 |
| Colombia | 21,772 | 22,778 | 4,488 | 117 | 49,155 |
| Guatemala | 20,412 | 22,575 | 14,960 | 470 | 58,417 |
| Panama | 15,241 | 15,944 | 17,590 | 595 | 13,000 |
| El Salvador | 14,969 | 16,555 | 10,972 | 345 | 42,841 |
| Haiti | 11,430 | 11,959 | 2,356 | 61 | 25,806 |
| Venezuela | 10,342 | 10,819 | 2,132 | 55 | 23,348 |
| British Honduras | 5,987 | 5,384 | 1,234 | 30 | 12,635 |
| Bolivia | 2,449 | 2,563 | 505 | 13 | 5,530 |
| Australia | 97,976 | 87,546 | | | 185,522 |
| Republic of China | 40,823 | 36,478 | | | 77,301 |
| India | 39,190 | 35,019 | | | 74,209 |
| South Africa | 28,848 | 25,778 | | | 54,626 |
| Fiji Islands | 21,500 | 19,212 | | | 40,712 |
| Thailand | 8,981 | 8,025 | | | 17,006 |
| Mauritius | 8,981 | 8,025 | | | 17,006 |
| Malagasy Republic | 4,627 | 4,134 | | | 8,761 |
| Swaziland | 3,538 | 3,161 | | | 6,699 |
| Ireland | 5,351 | | | | 5,351 |

[1] Proration of quotas withheld from Cuba, Southern Rhodesia and the proration of the Honduras quota to Central American Common Market countries.

* * * * * * *

(Secs. 201, 202, 204 403; 61 Stat. 923 as amended, 924 as amended, 925 as amended, 932 as amended; 7 U.S.C. 1111, 1112, 1114, 1153)

*Effective date.* This order will become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 1st day of September 1966.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 66-9757; Filed, Sept. 6, 1966; 8:48 a.m.]

## Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[948.353; Area 2]

## PART 948—IRISH POTATOES GROWN IN COLORADO

### Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948) regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter set forth, will tend to effectuate the declared policy of the act and thereby maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby found that is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) shipments of 1966 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments during the effective period, (3) producers and handlers have operated under the marketing order since 1949 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

**§ 948.353 Limitation of shipments.**

During the period September 7, 1966, through June 30, 1967, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), (f), (g), and (h) of this section. The maturity requirements specified in paragraph (b) of this section shall terminate October 15, 1966, at 11:59 p.m., m.s.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2⅛ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (h) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned" for U.S. No. 1 grade, and not more than "moderately skinned" for U.S. No. 2 grade.

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of 1½ inches minimum diameter, and if U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) *Other special purposes.* (i) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for livestock feed, relief or charity.

(ii) The quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6; but any lot of potatoes handled for seed shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the quality, maturity and container requirements of paragraphs (a), (b), and (c) of this section and which are handled pursuant to paragraph (d) of this section for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee,

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a), (b), and (c) of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(g) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (d)(1) of this section shall be exempt from this 5 day requirement.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(h) *Reports.* Pursuant to § 948.80, no handler may ship Size B potatoes from Area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(i) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(j) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1, *Import regulations* (7 CFR 980.1 of this chapter), red skinned round type potatoes, except certified seed potatoes, imported into the United States during the period October 1, 1966, through June 30, 1967, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 31, 1966, to become effective September 7, 1966.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 66–9758; Filed, Sept. 6, 1966; 8:48 a.m.]

# Title 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

## MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

## PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

Section 103.6 is amended to read as follows:

### § 103.6 Surety bonds.

(a) *Posting of surety bonds*—(1) *Extension agreements; consent of surety; collateral security.* All surety bonds posted in immigration cases shall be executed on Form I–352. A district director is authorized to approve a bond, a formal agreement to extension of liability of surety, a request for delivery of collateral security to a duly appointed and undischarged administrator or executor of the estate of a deceased depositor, and a power of attorney executed on Form I–312. All other matters relating to bonds, including a power of attorney not executed on Form I–312 and a request for delivery of collateral security to other than the depositor or his approved attorney in fact, shall be forwarded to the regional commissioner for approval.

(2) *Bond riders.* Bond riders shall be prepared on Form I–351 and attached to Form I–352. If a condition to be included in a bond is not on Form I–351, a rider containing the condition shall be executed and forwarded with Form I–352 to the regional commissioner for approval.

(b) *Acceptable sureties.* Either a company holding a certificate from the Secretary of the Treasury under 6 U.S.C. 6–13 as an acceptable surety on Federal bonds, or a surety who deposits cash or U.S. bonds or notes of the class described in 6 U.S.C. 15 and Treasury Department regulations issued pursuant thereto and which are not redeemable within 1 year from the date they are offered for deposit is an acceptable surety.

(c) *Cancellation*—(1) *Public charge bonds.* A public charge bond posted for an immigrant shall be canceled when the alien dies, departs permanently from the United States, or is naturalized, provided he did not become a public charge prior to his demise, departure, or naturalization. The district director may cancel a public charge bond at any time if he finds that the immigrant is not likely to become a public charge. A bond may also be canceled in order to allow substitution of another bond. Request for cancellation of a public charge bond shall be made on Form I–356.

(2) *Maintenance of status and departure bonds.* When the status of a nonimmigrant who has violated the conditions of his admission has been adjusted as a result of administrative or legislative action to that of a permanent resident retroactively to a date prior to the violation, any outstanding maintenance of status and departure bond shall be canceled. If an application for adjustment of status is made by a nonimmigrant while he is in lawful temporary status, the bond shall be canceled if his status is adjusted to that of a lawful permanent resident or if he voluntarily departs within any period granted to him. As used in this subparagraph, the term "lawful temporary status" means that there must not have been any break in the approval of the alien's stay and all the time he is in the United States, from the date of admission to the date of departure or adjustment of status, he must have had uninterrupted Service approval in the form of regular extensions of stay or dates set by which departure is to occur, or a combination of both. A maintenance of status and departure bond posted at the request of an American consular officer abroad in behalf of an alien who did not travel to the United States shall be canceled upon receipt of notice from an American consular officer that the alien is outside the United States and the nonimmigrant visa issued pursuant to the posting of the bond has been canceled or has expired.

(d) *Bond schedules*—(1) *Blanket bonds for departure of visitors and transits.* The amount of bond required for various numbers of nonimmigrant visitors or transits admitted under bond on

Forms I–352 shall be in accordance with the following schedule:

| *Aliens* | |
|---|---|
| 1 to 4 | $500 each. |
| 5 to 9 | $2,500 total bond. |
| 10 to 24 | $3,500 total bond. |
| 25 to 49 | $5,000 total bond. |
| 50 to 74 | $6,000 total bond. |
| 75 to 99 | $7,000 total bond. |
| 100 to 124 | $8,000 total bond. |
| 125 to 149 | $9,000 total bond. |
| 150 to 199 | $10,000 total bond. |
| 200 or more | $10,000 plus $50 for each alien over 200. |

(2) *Blanket bonds for importation of workers classified as nonimmigrants under section 101(a)(15)(H).* The following schedule shall be employed by district directors when requiring employers or their agents or representatives to post bond as a condition to importing alien laborers into the United States from the British West Indies, the British Virgin Islands, or from Canada:

| | |
|---|---|
| Less than 500 workers | $15 each. |
| 500 to 1,000 workers | $10 each. |
| 1,000 or more workers | $5 each. |

A bond shall not be posted for less than $500 or for more than $12,000 irrespective of the number of workers involved. Failure to comply with conditions of the bond will result in the employer's liability in the amount of $75 as liquidated damages for each alien involved.

(e) *Breach of bond.* A bond is breached when there has been a violation of the stipulated conditions. The district director having jurisdiction over the place where any immigration bond is retained shall finally determine whether a bond shall be declared breached or canceled, and shall notify the obligers in writing on Form I–323 or Form I–391 of his decision.

## PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Subparagraph (3) *Assurances: bonds* of paragraph (b) *Section 212(g) (tuberculosis and certain mental conditions)* of § 212.7 *Waiver of certain grounds of excludability* is amended by adding the following sentence at the end thereof: "For procedures relating to cancellation or breaching of bonds, see Part 103 of this chapter."

## PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

Section 213.1 *Admission under bond or cash deposit* is amended by adding the following sentence at the end thereof: "For procedures relating to cancellation or breaching of bonds, see Part 103 of this chapter."

## PART 214—NONIMMIGRANT CLASSES

Paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* is amended by adding the following sentence at the end thereof: "For procedures relating to cancellation or breaching of bonds, see Part 103 of this chapter."

## PART 221—ADMISSION OF VISITORS OR STUDENTS

Section 221.1 *Admission under bond* is amended by adding the following sentence at the end thereof: "For procedures relating to cancellation or breaching of bonds, see Part 103 of this chapter."

## PART 299—IMMIGRATION FORMS

Section 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in numerical sequence:

| *Form No.* | *Title and description* |
|---|---|
| I–351 | Bond Riders. |
| I–356 | Request for Cancellation of Public Charge Bond. |

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: September 1, 1966.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 66–9765; Filed, Sept. 6, 1966; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Docket No. 7377; Amdt. 39–282]

## PART 39—AIRWORTHINESS DIRECTIVES

### Vickers Viscount Model 744 and 745D Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of replacement access panels and cowls for the inverters located in the fuselage baggage compartment on Vickers Viscount Model 744 and 745D Series airplanes was published in 31 F.R. 7354.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One operator requested an increase in the compliance time from 1,000 hours' time in service to 1 year from the effective date of the AD, to enable it to obtain FAA approval of an equivalent means of complying with the AD. The Agency believes that the present compliance time of 1,000 hours provides ample time for operators to comply with this AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Model 744 and 745D Series airplanes.

Within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished, install replacement access panels and cowls for the inverters in accordance with British Aircraft Corp., Ltd. Modification Bulletin No. D.3157 or later ARB-approved issue or an equivalent approved by the Chief, Aircraft Certification Staff, Europe, Africa, Middle East Region.

This amendment becomes effective October 7, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 29, 1966.

JAMES F. RUDOLPH,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 66–9719; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 7152; Amdt. 39–283]

## PART 39—AIRWORTHINESS DIRECTIVES

### Sikorsky Model S–61 Series Helicopters

There have been fatigue cracks in the spar of the main rotor blades on Sikorsky Model S–61L helicopters. Since this condition is likely to exist or develop in other rotor blades of the same type design, an airworthiness directive is being issued to specify a reduced service life limit for these blades, which are used on Sikorsky Model S–61 Series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY. Applies to Model S–61 Series helicopters.

Compliance required as indicated.

To prevent operation with fatigue cracks in the spar of a main rotor blade, accomplish the following:

(a) Except as provided in paragraph (c), remove from service S6115–20501 series main rotor blades with 3,375 or more hours' time in service on the effective date of this AD within the next 25 hours' time in service.

(b) Except as provided in paragraph (c), remove from service S6115–20501 series main rotor blades with less than 3,375 hours' time in service on the effective date of this AD before the accumulation of 3,400 hours' time in service.

(c) The service life limits specified in paragraphs (a) and (b) may be extended to 7,000 hours' total time in service for S6115–20501–3 and S6115–20501–5 main rotor blades, S6115–20501–2 blades modified to S6115–20501–3 blades, and S6115–20501–4 blades

modified to S6115-20501-5 blades, provided the blades are inspected at the times and in the manner set forth in Sikorsky Service Bulletin No. 61B15-6, dated July 22, 1966, and, if low pressure is indicated, the cause is determined and corrected before further flight in accordance with that Bulletin.

This amendment becomes effective September 17, 1966.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 29, 1966.

JAMES F. RUDOLPH,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 66-9720; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 7584; Amdt. 39-284]

## PART 39—AIRWORTHINESS DIRECTIVES

### Boeing Model 707-300B, 707-300B (ADV), and 707-300C Series Airplanes

There have been failures in the antiskid system of certain Boeing Model 707-300B Series airplanes due to stray radio energy from the H.F. radio transmitter. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to impose an operating limitation prohibiting use of the H.F. radio transmitter on certain frequencies while the antiskid is on during taxi, takeoff roll, and landing, until an antiskid H.F. filter is installed.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Model 707-300B 707-300B (ADV), and 707-300C Series airplanes.

Within the next 100 hours' time in service after the effective date of this AD, until an antiskid H.F. filter is installed in accordance with Boeing Service Bulletin 2367 (R-2), dated June 16, 1966, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, amend the Certification Limitation Section I of the FAA-approved Airplane Flight Manuals, Boeing Model 707-300B (Boeing Document D6-1571), Model 707-300B (ADV) (Boeing Documents D6-1576 and D6-1588) and Model 707-300C (Boeing Documents D6-1575 and D6-1587) to include the following or an FAA-approved equivalent:

ANTISKID LIMITATIONS

Until antiskid H.F. filter installation is accomplished either during airplane manufacture or by Service Bulletin, do not use H.F. to transmit between 2 and 6.5 M.C. with antiskid on during taxi, takeoff roll, and landing.

This amendment becomes effective September 7, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 29, 1966.

JAMES F. RUDOLPH,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 66-9721; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 7436; Amdt. 39-285]

## PART 39—AIRWORTHINESS DIRECTIVES

### Boeing Model 727 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the pneumatic brake system on Boeing Model 727 Series airplanes was published in 31 F.R. 8498.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes listed in Boeing Service Bulletin No. 29-22, dated February 21, 1966.

Compliance required within the next 700 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the pneumatic brake system due to leaks between the control valve and the brake housing, modify the pneumatic brake system line installation in accordance with Boeing Service Bulletin No. 29-22, dated February 21, 1966, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective October 7, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on August 29, 1966.

JAMES F. RUDOLPH,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 66-9722; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 6888; Amdt. 39-275]

## PART 39—AIRWORTHINESS DIRECTIVES

### Fairchild Models F-27A, F-27F, F-27G, and F-27J Airplanes

*Correction*

In F.R. Doc. 66-8969 appearing in the issue for Thursday, August 18, 1966, at page 10957, the first paragraph of the directive should read as follows:

FAIRCHILD. Applies to Models F-27A, F-27F, F-27G, and F-27J airplanes, Serial Numbers 1 through 122.

[Airspace Docket No. 65-WE-91]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Control Zones, Designation of Transition Area, and Revocation of Transition Area and Control Area Extension

On April 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 5496) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter controlled airspace in the Monterey, Calif., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The California Council of Aviation Associations asked the following questions. Is the area west of Paso Robles uncontrolled below 5,000 feet MSL? Is this the beginning of planning for positive control in any of this area? Why is it necessary to encompass such a large area for Monterey, Fort Ord IFR transition? The CCAA objected to the proposal on the basis that the proposed area is used extensively by north and south VFR flights.

The area west of Paso Robles will be uncontrolled below 5,000 feet MSL. This is not the beginning of positive control in the area. As stated in the notice, it is a part of the implementation of the provisions of CAR Amendments 60-21/60-29. The Monterey, Fort Ord terminal airspace is necessary to provide protection for aircraft executing prescribed instrument approach, departure and holding procedures within the area. The 5,000-foot MSL portion of the transition area is required to protect en route aircraft holding and for radar vectoring between airways. Most of the airspace covered by this docket is within controlled airspace having a floor of 700 feet above the surface. The action taken in this docket will raise the floor of most of this airspace to 1,200 feet above the surface, and provide an additional 500 feet of uncontrolled airspace for the VFR user. The FAA believes that the action taken in this docket will provide benefits to both the VFR and IFR users of the airspace involved.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.165 (31 F.R. 2055), the Monterey, Calif., control area extension is revoked.

2. Section 71.171 (31 F.R. 2065) is amended as follows:

a. The Monterey, Calif., control zone is amended to read:

MONTEREY, CALIF.

Within a 5-mile radius of the Monterey Peninsula Airport (latitude 36°35'20" N., longitude 121°51'00" W.), and within 2 miles each side of the 317° bearing from the Monterey ILS LMM, extending from the 5-mile radius zone to 7 miles NW of the LMM, ex-

cluding the portion within the Fort Ord, Calif., control zone.

b. The Salinas, Calif., control zone is amended to read:

SALINAS, CALIF.

Within a 5-mile radius of the Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'20" W.), and within 2 miles NE and 3 miles SW of the Salinas VORTAC 319° radial, extending from the 5-mile radius zone to 6 miles NW of the VORTAC, excluding the portion within the Fort Ord, Calif., control zone.

c. The Fort Ord, Calif., control zone is amended to read:

FORT ORD, CALIF.

Within a 5-mile radius of the Fritzsche AAF (latitude 36°40'55" N., longitude 121°-45'40" W.), excluding the portion SW of a chord drawn between the points of INT of 5-mile radius circles centered on the Monterey Peninsula Airport and Fritzsche AAF, and the portion E of a chord drawn between the points of INT of 5-mile radius circles centered on the Salinas Municipal Airport and Fritzsche AAF. This control zone is effective from 0600 to 2400 hours, local time, daily.

3. Section 71.181 (31 F.R. 2149) is amended as follows:

a. The Big Sur, Calif., transition area is revoked.

b. The following transition area is added:

MONTEREY, CALIF.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Fritzsche AAF, Fort Ord, Calif., latitude 36°40'55" N., longitude 121°45'40" W., excluding the portion S of latitude 36°32'00" N.; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°05'00" N., longitude 122°43'15" W., thence E via the S boundary of Control 1173 to V-27, thence SE via V-27 to latitude 37°00'00" N., thence E via latitude 37°00'00" N., to a line 11 miles SW of and parallel to the Priest, Calif., VORTAC 331° radial, thence SE via this line to a line 12 miles SE of and parallel to the Big Sur, Calif., VOR 047° radial, thence SW via this line to V-27, thence SE via V-27 to longitude 121°03'00" W., thence S to latitude 35°30'00" N., longitude 121°03'00" W., thence to latitude 35°30'00" N., longitude 121°22'00" W., to latitude 35°45'00" N., longitude 121°40'15" W., to latitude 36°15'00" N., longitude 122°01'00" W., to latitude 36°29'00" N., longitude 122°01'00" W., to latitude 36°29'00" N., longitude 122°17'30" W., to point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the NW by a line 12 miles SE of and parallel to the Big Sur VOR 047° radial, on the NE V-25, on the S by a line extending from the SW boundary of V-25 and latitude 35°33'00" N., to latitude 35°33'00" N., longitude 121°03'00" W., thence S to the NE boundary of V-27 and longitude 121°03'00" W., and on the SW by V-27, excluding the portion within the Paso Robles, Calif., transition area.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (29 F.R. 9565))

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66-9723; Filed, Sept. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 65-EA-101]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Control Zone and Transition Area

On June 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8025) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would amend the Martha's Vineyard, Mass., control zone and the Falmouth, Mass., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In the notice, we proposed to amend the description of the Martha's Vineyard control zone, in part, by deleting "040° bearing from the Martha's Vineyard RBN," and substituting therefor "041° bearing from the Martha's Vineyard RBN,". Due to a revision to the Martha's Vineyard ADF instrument approach procedure, this amendment will not be necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 10, 1966, as hereinafter set forth.

1. In § 71.171 (31 F.R. 2065) the Martha's Vineyard, Mass., control zone is amended by deleting "Martha's Vineyard VOR 050° radial," and substituting therefor, "Martha's Vineyard VOR 055° radial,".

2. In § 71.181 (31 F.R. 2149) the Falmouth, Mass., transition area is amended by deleting "Martha's Vineyard VOR 050° radial, extending from the VOR to 12 miles NE of the VOR;" and substituting therefor, "Martha's Vineyard VOR 055° radial, extending from the VOR to 12 miles NE of the VOR; within 2 miles each side of the 183° bearing from Martha's Vineyard RBN, extending from the 6-mile radius area to 8 miles S of the RBN; and within a 5-mile radius of the Oak Bluffs Airport, Oak Bluffs, Mass. (latitude 41°26' 25" N., longitude 70°34'-10" W.);".

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66-9724; Filed, Sept. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-42]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Revocation and Extension of Federal Airways

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke VOR Federal airway No. 192 from Socorro, N. Mex., to Tucumcari, N. Mex.; and extend VOR Federal airway No. 264 from Socorro to Tucumcari.

VOR Federal airway No. 192 is designated from Socorro to Tucumcari via Corona, N. Mex.; VOR Federal airway No. 264 is designated from Los Angeles, Calif., to Socorro. The Federal Aviation Agency is taking action herein to revoke V-192 airway and to extend V-264 as a replacement for V-192. Airway floors presently designated between Socorro and Tucumcari will be retained. These actions will provide route continuity for flight planning.

Since this action is editorial in nature and does not require the designation of additional airspace, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective November 10, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 6484) is amended as follows:

a. V-192 is revoked.

b. In V-264 "12 AGL Socorro, N. Mex." is deleted and "12 AGL Socorro, N. Mex.; 12 AGL Corona, N. Mex.; 15 miles 12 AGL, 35 miles 105 MSL, 12 AGL Tucumcari, N. Mex." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66-9725; Filed, Sept. 6, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-51]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Control Zone; Correction

On August 19, 1966, F.R. Doc. No. 66-9008 was published in the FEDERAL REGISTER (31 F.R. 11015) amending Part 71 of the Federal Aviation Regulations.

In the amendment, the geographic coordinate for the Liberty County Airport was published in the description of the Fort Stewart, Ga., control zone as "* * * (latitude 31°47'20" N., longitude 81°38'-20" W.) * * *".

Subsequent to the publication of the rule, it was determined that the location of the Liberty County Airport had been changed and the geographic coordinate should have read "* * * (latitude 31°-47'22" N., longitude 81°38'15" W.) * * *".

Since this amendment is editorial in nature and imposes no additional burden

on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 66–9008 is amended as follows:

Beginning on line four of the Fort Stewart, Ga., control zone description "* * * (latitude 31°47'20" N., longitude 81°38'20" W.) * * *" is deleted and "* * * (latitude 31°47'22" N., longitude 81°38'15" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 25, 1966.

WILLIAM M. FLENER,
*Acting Director, Southern Region.*

[F.R. Doc. 66–9726; Filed, Sept. 6, 1966; 8:46 a.m.]

[Airspace Docket No. 66–WA–21]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Redesignation of Control Area

On August 19, 1966, F.R. Doc. 66–9003 was published in the FEDERAL REGISTER (31 F.R. 11014) amending Part 71 of the Federal Aviation Regulations. This amendment, in part, revoked the Key West, Fla., control area extension. Subsequent to the publication, it was determined that the description of Control 1233 would have to be altered to delete reference to the Key West, Fla., control area extension and to preclude dual designation of controlled airspace.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Agency has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since this amendment is editorial and clarifying in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., October 13, 1966, as hereinafter set forth.

In § 71.163 (31 F.R. 2050), Control 1233 is amended to read:

CONTROL 1233

That airspace bounded on the N by the Key West, Fla., transition area and V–35, on the E by a line 5 miles E of and parallel to the 187° bearing from the Marathon, Fla., RBN, on the S by latitude 24°00'00" N., and on the W by a line 5 miles W of and parallel to the 205° bearing from the Key West RBN, excluding the portion below 2,000 feet MSL and excluding the portion within W–465.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66–9727; Filed, Sept. 6, 1966; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

### Creamed Cottage Cheese: Listing of Certain Caseinates and Dried Milk Protein as Optional Ingredients

In the matter of amending the standard of identity for creamed cottage cheese by listing the sodium, ammonium, calcium, and potassium salts of casein and dried milk protein as optional ingredients in the creaming mixture:

One comment was received in support of a notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of May 26, 1966 (31 F.R. 7572), based on a petition submitted by Crest Foods Co., Inc., Ashton, Ill. 61006, and Land O'Lakes Creameries, Inc., Minneapolis, Minn. 55413.

Based on the information submitted by the petitioners, the comment received, and other relevant material, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008); *It is ordered*, That § 19.530 be amended as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in six copies. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 29, 1966.

J. K. KIRK,
*Acting Commissioner of Food and Drugs.*

Section 19.530(b), (c), and (d)(1) are revised to read as follows:

**§ 19.530 Creamed cottage cheese; identity; label statement of optional ingredients.**

* * * * *

(b) The creaming mixture consists of cream or a mixture of cream with milk or skim milk or both, to which one or more of the following optional ingredients may be added, subject to the conditions set forth in this section:

(1) Salt.

(2) Nonfat dry milk, concentrated skim milk, sodium caseinate, ammonium caseinate, calcium caseinate, potassium caseinate, or dried milk protein may be added singly or in any combination to adjust the solids content, provided the weight of the solids added thereby does not exceed 3 percent of the weight of the creaming mixture.

(3) A culture of harmless lactic acid and flavor-producing bacteria, with or without rennet.

(4) A preparation of pasteurized skim milk with added citric acid, which preparation has been cultured with harmless flavor- and aroma-producing bacteria.

(5) Lactic acid, citric acid, phosphoric acid.

(6) (i) A stabilizing ingredient consisting of one or any mixture of two or more of the following: Carob (locust) bean gum, guar gum, gum karaya, gum tragacanth, calcium sulfate; carrageenan or salts of carrageenan complying with the requirements of §§ 121.1066 and 121.1067 of this chapter; furcelleran or salts of furcelleran, complying with the requirements of §§ 121.1068 and 121.1069 of this chapter; gelatin, lecithin, algin (sodium alginate), propylene glycol alginate, sodium carboxymethylcellulose (cellulose gum).

(ii) Stabilizing ingredients used may be added in a mixture with a carrier consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sirup solids, dextrin, glycerin, propylene glycol. The quantity of the stabilizing ingredient, including any carrier used, is such that the weight of solids contained therein is not more than 0.5 percent of the weight of the creaming mixture.

The creaming mixture is pasteurized, except that the bacterial cultures permitted by this paragraph and the acids listed in subparagraph (5) of this paragraph may be added after pasteuriztaion.

(c) For the purposes of this section:

(1) "Milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated; and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(2) "Sodium caseinate," "ammonium caseinate," "calcium caseinate," and "potassium caseinate" mean the dried form of the reaction product resulting from treating casein precipitated from skim milk with a suitable alkali in such a manner that no excess of alkali is present, as determined by a pH of not more than 8.0 in a 2-percent solution at 25° C.

(3) "Dried milk protein" means the dried form of the reaction product resulting from treating coprecipitates of milk proteins of which casein and lactalbumin are the constituents of major content with a suitable alkali in such manner that no excess of alkali is present, as determined by a pH of not more than 8.0 in a 2-percent solution at 25° C.

(d) (1) When one or a mixture of two or more of the optional ingredients listed in paragraphs (b) (5) and (6) (i) and (c) (2) and (3) of this section is used, the label shall bear the statement "_____ _____ added" or "with added _____ _____," the blank being filled in with the common name or names of the optional ingredients used; *Provided, however,* That the name "vegetable gum" may be used in lieu of the specific names for carob (locust) bean gum, guar gum, gum karaya, and gum tragacanth.

* * * * *

[F.R. Doc. 66-9759; Filed, Sept. 6, 1966; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 6B1943, 6B1960) filed by E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, Del. 19898, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional optional substances in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2520(c)(5) is amended by inserting alphabetically in the list of substances new items, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

| *Substances* | *Limitations* |
|---|---|
| * * * | * * * |
| 2-Anthraquinone sulfonic acid, sodium salt. | For use only as polymerization - control agent. |
| * * * | * * * |
| *p-tert*-Butylpyrocatechol. | For use only as polymerization - control agent. |
| * * * | * * * |

COMPONENTS OF ADHESIVES—Continued

| *Substances* | *Limitations* |
|---|---|
| Iodoform | For use only as polymerization - control agent. |
| * * * | * * * |
| 4,4'-Methylenebis-(2-chloroaniline). | For use only as a vulcanization agent for polyurethane resins. |
| * * * | * * * |
| Phenothiazine | For use only as polymerization - control agent. |
| * * * | * * * |
| Potassium ferricyanide. | For use only as polymerization - control agent. |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 30, 1966.

J. K. KIRK,
*Acting Commissioner of Food and Drugs.*

[F.R. Doc. 66-9761; Filed, Sept. 6, 1966; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6H1962) filed by Du Bois Chemicals, division of W. R. Grace & Co., Broadway at Seventh, Cincinnati, Ohio 45202, and other relevant material has concluded that the food additive regulations should be amended to provide for the safe use of an additional sanitizing solution, as set forth below, on food-processing equipment and utensils. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2547 is amended by adding to paragraph (b) a new subparagraph (6) and by revising paragraph (c) (4), as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(6) An aqueous solution containing elemental iodine, sodium iodide, sodium dioctylsulfosuccinate, and polyoxyethlene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900), together with components generally recognized as safe.

(c) * * *

(4) Solutions identified in paragraph (b) (4), (5), and (6) of this section will contain iodine to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 30, 1966.

J. K. KIRK,
*Acting Commissioner of Food and Drugs.*

[F.R. Doc. 66-9763; Filed, Sept. 6, 1966; 8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ROSINS AND ROSIN DERIVATIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1512) filed by Smith & Walton, Ltd., Haltwhistle, Northumberland, England, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of citric acid-modified glycerol ester of rosin as a blending agent in coatings for cellophane food-contact film. Therefore, pursuant to the provisions of the Federal Food, Drug, and

Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2592(a)(3) is amended by adding thereto a new subdivision (xvii):

**§ 121.2592 Rosins and rosin derivatives.**

* * * * *

(a) * * *

(3) * * *

(xvii) Citric acid-modified glycerol ester of rosin, having an acid number less than 20, a drop-softening point of 105° C.–115° C., and a color of K or paler. For use only as a blending agent in coatings for cellophane complying with § 121.2507.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 30, 1966.

J. K. KIRK,
*Acting Commissioner of Food and Drugs.*

[F.R. Doc. 66-9760; Filed, Sept. 6, 1966; 8:48 am.]

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SUBCHAPTER D—HAZARDOUS SUBSTANCES

## PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

### Fire Extinguishers; Exemption From Labeling Requirements

The Commissioner of Food and Drugs, having considered the information submitted in a request, and other relevant information, to amend the hazardous substances regulation that exempts certain fire extinguishers from labeling otherwise required by section 2(p)(1) of the Federal Hazardous Substances Labeling Act because such extinguishers are under pressure, has concluded that the regulation should be amended by changing the conditions of such exemption to those set forth below.

Therefore, pursuant to the provisions of that act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 191.63(a)(24) is revised to read as follows:

**§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.**

(a) * * *

(24) Fire extinguishers containing fire extinguishing agents which are stored under pressure or which develop pressure under normal conditions of use are exempt from the labeling requirements of section 2(p)(1) of the act insofar as such requirements apply to the pressure hazard as defined in § 191.1(m): *Provided,* That,

(i) If the container is under pressure both during storage and under conditions of use, it shall be designed to withstand a pressure of at least 6 times the charging pressure at 70° F., except that carbon dioxide extinguishers shall be constructed and tested in accordance with applicable Interstate Commerce Commission specifications, or

(ii) If the container is under pressure only during conditions of use, it shall be designed to withstand a pressure of not less than 5 times the maximum pressure developed under closed nozzle conditions at 70° F. or 1½ times the maximum pressure developed under closed nozzle conditions at 120° F., whichever is greater.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of the labeling requirements under certain conditions.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: August 30, 1966.

J. K. KIRK,
*Acting Commissioner of Food and Drugs.*

[F.R. Doc. 66-9762; Filed, Sept. 6, 1966; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 8617 o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Montgomery Ward & Co.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Montgomery Ward & Co., Chicago, Ill., Docket 8617, July 26, 1966]

Order requiring a large mail order and chain store retailer to cease making guarantee claims in advertising without disclosing that the guarantees are subjected to certain conditions and limitations, as set forth in guarantee certificates furnished purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Montgomery Ward & Co., Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of any articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication that any of respondent's merchandise is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

*It is further ordered,* That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

Issued: July 26, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary,*

[F.R. Doc. 66-9734; Filed, Sept. 6, 1966; 8:46 a.m.]

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[Docket No. 7018 o.]

## PART 13—PROHIBITED TRADE PRACTICES

### National Dairy Products Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.725 *Cumulative quantity discounts and schedules;* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, National Dairy Products Corp., New York, N.Y., Docket 7018, July 28, 1966]

Order requiring a company engaged in processing and distributing dairy and food products with headquarters in New York City, to cease discriminating in prices and promotional allowances between competing retailers handling the product line of its Sealtest Foods Division, in violation of sections 2(a) and 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondent National Dairy Products Corp., a corporation, and its officers, employees, agents, and representatives, directly or through any corporate or other device in or in connection with the offering for sale, sale, or distribution of any of the items in the product line of its Sealtest Foods Division, including but not limited to fluid milk, dairy products, ice cream and other food products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged any other purchaser who competes with the purchaser paying the higher price;

2. Paying or contracting for the payment of anything of value to or for the benefit of any customer as compensation or in consideration for any services or facilities furnished by or through such customer, in connection with the offering for sale, sale or distribution of any of the products in the Sealtest product line, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution of such products with the favored customer.

*It is further ordered*, That respondent, National Dairy Products Corp., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth herein.

Issued: July 28, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
*Secretary.*

[F.R. Doc. 66-9735; Filed, Sept. 6, 1966; 8:46 a.m.]

# Title 28—JUDICIAL ADMINISTRATION

## Chapter I—Department of Justice

[Order 367-66]

## PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

### Subpart R—Immigration and Naturalization Service

DESIGNATING COMMISSIONER OF IMMIGRATION AND NATURALIZATION AND IMMIGRATION OFFICERS AS LOCAL AUTHORITIES AND COMPETENT OFFICERS FOR CONVENTION BETWEEN UNITED STATES AND GREECE

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and Executive Order No. 11300 of August 17, 1966, Subpart R of Part 0 of Title 28 of the Code of Federal Regulations (relating to the duties of the Commissioner of Immigration and Naturalization) (Order No. 271-62) is hereby amended by adding a new section 0.110 as follows:

**§ 0.110 Implementation of the Convention Between the United States and Greece.**

The Commissioner of Immigration and Naturalization and immigration officers (as defined in 8 CFR 103.1(i)) are hereby designated as "local authorities" and "competent officers" on the part of the United States within the meaning of Article XIII of the Convention Between the United States and Greece (33 Stat. 2122, 2131), and shall fulfill the obligations assumed by the United States pursuant to that Article in the manner and form prescribed.

The amendment made by this order shall be effective upon its publication in the FEDERAL REGISTER.

(R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR 1949-53 Comp.; E.O. No. 11300 of August 17, 1966)

Dated: August 31, 1966.

NICHOLAS DEB. KATZENBACH,
*Attorney General.*

[F.R. Doc. 66-9738; Filed, Sept. 6, 1966; 8:47 a.m.]

# Title 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

## PART 800—EQUAL PAY FOR EQUAL WORK UNDER THE FAIR LABOR STANDARDS ACT

### Application to Employees

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby amend section 800.104 of Title 29 of the Code of Federal Regulations as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay of effective date are not applicable because 29 CFR Part 800 consists only of interpretative rules. I do not believe such procedures will serve a useful purpose here. Accordingly, the amendment shall become effective immediately.

Section 800.104 is amended to read as follows:

**§ 800.104 Application to employees.**

As has been seen, there must be compliance by the employer with the equal pay requirements within any establishment in which employees subject to the Act's minimum wage provisions are employed by him. The Act's concern with wage discrimination by an employer on account of sex to the detriment of his employees who are subject to the minimum wage provisions is not limited either by its language or by its legislative history to those employees whose work is performed on the premises of their employer's establishment. The Act speaks of the employment of employees in the establishment rather than of their engagement in work there. Also, the legislative history of the Equal Pay Act makes it clear that coverage under the equal pay provisions is equal to that provided by the other provisions of section 6 of the Fair Labor Standards Act, and that those employers and employees who are subject to the minimum wage provisions will be subject to the new provisions on equal pay. (See S. Rept. No. 176, 88th Cong., 1st sess., p. 2; H. Rept. No. 309, 88th Cong., 1st sess., p. 2.) Congress clearly rejected the concept that the equal pay provisions apply only to work performed inside a physical establishment. Otherwise, those employees, subject to section 6 of the Act, would be incongruously deprived of equal pay protection simply because their work is performed away from the physical premises of the establishment in which they are employed. On the other hand, it is clear from the language of the Act that in each distinct physical place of business where employees of an employer work (including, but not limited to, the employer's own establishments), the obligation of the employer to comply with the equal pay requirements must be determined separately with reference to those of his employees who are employed in that particular establishment. Accordingly, where there are a number of distinct physical places of business in which an employer's employees are employed, compliance with the equal pay provisions must be tested within each establishment for any workweek by comparing the jobs and pay of those only of his employees who are employed there during that workweek.

(52 Stat. 1060, as amended; 77 Stat. 56; 29 U.S.C. 201 et seq.)

Signed at Washington, D.C., this 26th day of August 1966.

CLARENCE T. LUNDQUIST,
*Administrator.*

[F.R. Doc. 66-9739; Filed, Sept. 6, 1966; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 16475; FCC 66-786]

## PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

### Television STL and Television Intercity Relay Stations

In the matter of amendment of the TV broadcast auxiliary rules, Part 74, Subpart F, to modify and clarify permissible use of television STL and television intercity relay stations; Docket No. 16475; RM-863, RM-864.

1. On February 23, 1966, the Commission adopted a notice of proposed rule making in the above entitled matter and invited interested parties to submit comments on or before April 4, 1966, and replies to such comments on or before April 14, 1966. This action was taken in response to petitions for rule making filed by Electronic Industries Association (EIA).

2. Present rules governing the operation of television broadcast STL (studio-transmitter link) and television broadcast intercity relay stations permit the transmission of aural program material, and operational communications in addition to visual program material by multiplexing, i.e., by modulating the main carrier with subcarriers containing the additional communications. However, present rules permit the operation of the STL or intercity relay transmitters only when they are delivering visual program material to the parent TV broadcast station. The purpose of the proposed amendment is to permit the STL or intercity relay transmitter to operate at times other than when the parent TV station is operating so that use of the aural program and operational communication circuits will not be tied to the daily operating schedule of the parent TV broadcast station.

3. Newhouse Broadcasting Corp., by its attorneys, filed a brief comment supporting the proposed amendment on the grounds that it would do away with spectrum waste and allow a more efficient use of channels assigned to television STL and intercity relay stations. The attorneys for WAPA–TV Broadcasting Corp., Screen Gems Broadcasting of Utah, Inc., Screen Gems Broadcasting of Louisiana, Inc., and Western Broadcasting Corp. of Puerto Rico filed a single comment on behalf of all four, supporting the proposed amendment on the grounds that all of the named licensees can make advantageous use of the expanded operation and that the expanded use would foster spectrum economy. There was no opposition to the proposal.

4. Accordingly, pursuant to the authority contained in sections 4(i) and 303(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective October 10, 1966, § 74.631 (d) and (e) of the Commission rules is amended to read as follows:

§ 74.631 **Permissible service.**

* * * * *

(d) The transmitter of an STL or intercity relay station may be multiplexed to provide additional communication channels for the transmission of aural program material and operational communications. Operational communications include voice communications, telemetry signals, alerting signals, fault reporting signals, and control signals all of which must be directly related to the technical operation of the associated broadcast station or the STL or intercity relay system of which the multiplexed transmitter is a part. Aural program material may include the sound accompanying the visual program material transmitted over the STL or intercity relay system or aural program material intended for broadcast by other AM, FM, or TV broadcast stations owned by or under the common control of the licensee of the television STL or intercity relay station. A television broadcast STL or intercity relay station will be authorized only in those cases where the principal use is the transmission of television broadcast program material for use by its associated TV broadcast station. However, STL or intercity relay stations so licensed may be operated at any time for the transmission of aural program material and operational communications whether or not visual program material is being transmitted, provided that such operation does not cause harmful interference to television broadcast pickup, STL, or intercity relay stations transmitting television broadcast program material.

(e) Except as provided in paragraphs (a), (d), and (f) of this section, all program material transmitted over a television pickup, STL, or intercity relay station shall be used by or intended for use by a television broadcast station owned by or under the common control of the licensee of the television pickup, STL, or intercity relay station. Program material transmitted over a television pickup, STL, or intercity relay station and so used by the licensee of such facility may, with the permission of the licensee of the broadcast auxiliary facility, be used by other television broadcast stations and by nonbroadcast closed circuit educational television systems operated by educational institutions.

* * * * *

5. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: August 31, 1966.

Released: September 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66-9766; Filed, Sept. 6, 1966; 8:49 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

## PART 32—HUNTING

### Flint Hills National Wildlife Refuge, Kans.

Pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401; 16 U.S.C. 661), 50 CFR 32.11 and 32.21 are amended by the addition of Flint Hills National Wildlife Refuge, Kans., to the list of wildlife refuges open to public hunting of migratory game birds and upland game, as legislatively permitted.

It has been determined that public hunting of migratory game birds and upland game may be permitted on the Flint Hills National Wildlife Refuge without detriment to the objectives for which the area was established.

Notice and public procedure on this amendment are deemed contrary to the public interest because of the proximity of the hunting season in the State of Kansas. Since the amendment benefits the public by relieving existing hunting restrictions on the Flint Hills National Wildlife Refuge, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 **List of open areas; migratory game birds.**

* * * * *

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 **List of open areas; upland game.**

* * * * *

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

STANLEY A. CAIN,
*Assistant Secretary of the Interior.*

AUGUST 31, 1966.

[F.R. Doc. 66-9715; Filed, Sept. 6, 1966; 8:45 a.m.]

## PART 32—HUNTING

### Havasu Lake National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 **Special regulations; upland game; for individual wildlife refuge areas.**

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jack rabbits on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,526 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box

[1] Commissioners Bartley, Cox, and Wadsworth absent.

1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail, October 1 through October 31, 1966, inclusive, and December 1, 1966, through January 31, 1967, inclusive; cottontail and jack rabbits, September 1, 1966, through January 31, 1967, inclusive. California—quail, October 29, 1966, through January 2, 1967, inclusive; cottontail and jack rabbits, September 1, 1966, through January 2, 1967, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail, and jack rabbits subject to the following special conditions:

(1) Use of dogs, not to exceed two per hunter, may be used only to hunt and retrieve quail and rabbits.

(2) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(3) Weapons—Shotguns only, not larger than 10 gauge and incapable of holding more than 3 shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1967.

JOSEPH M. WELCH,
*Acting Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.*

AUGUST 22, 1966.

[F.R. Doc. 66-9736; Filed, Sept. 6, 1966; 8:46 a.m.]

## PART 32—HUNTING

### Crab Orchard National Wildlife Refuge, Ill.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks, and weasels on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the area designated by signs as open to hunting. This open area comprising 9,380 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Illinois State regulations, is prohibited.

(1) Open season: *Pheasants*—from 12 noon to sunset Central Standard Time on November 11, 1966, and from sunrise to sunset Central Standard Time November 12, 1966, through December 11, 1966, except that the season is closed on November 18, 19, 20, and December 9, 10, and 11, 1966. *Bobwhite quail*—from 12 noon to sunset Central Standard Time on November 11, 1966, and from sunrise to sunset Central Standard Time November 12, 1966, through December 11, 1966, except that the season is closed on November 18, 19, 20, and December 9, 10, and 11, 1966. *Rabbits*—from November 19, 1966, to January 31, 1967, except that the season is closed on November 19, 20, and December 9, 10, and 11, 1966. *Racoon, Opossum, Skunk, and Weasel*—from 12 noon November 10, 1966, to 12 noon January 31, 1967, except that the season is closed November 18, 19, 20, and December 9, 10, and 11, 1966.

The provisions of the special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1967.

LOYAL A. MEHRHOFF, Jr.,
*Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.*

AUGUST 30, 1966.

[F.R. Doc. 66-9737; Filed, Sept. 6, 1966; 8:46 a.m.]

## PART 32—HUNTING

### Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

The public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 5, 1966, through November 13, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) No hunting is permitted from dikes or roadways or within 100 yards of dikes or roadways.

(2) Checking in and out—Each hunter who enters area A is required to register at the checking station and check out before leaving the refuge.

(3) To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1966.

LLOYD F. GUNTHER,
*Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.*

AUGUST 29, 1966.

[F.R. Doc. 66-9754; Filed, Sept. 6, 1966; 8:48 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

### SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 66-47]

## PART 80—PILOT RULES FOR INLAND WATERS

### SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

## PART 95—PILOT RULES FOR WESTERN RIVERS

### Lights for Moored Barges in Western Rivers, and in Gulf of Mexico Area

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of February 10, 1966 (31 F.R. 2602-2614), and the Merchant Marine Council Public Hearing Agenda dated March 21, 1966 (CG-249), the Merchant Marine Council held a Public Hearing on March 21, 1966, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I to XII, inclusive.

This document is the fifth of a series regarding the regulations and actions considered at the 1966 Public Hearing and Annual Session of the Merchant Marine Council. This document contains the actions taken with respect to Item IXc—*Lights for moored barges* in the Item IX—Rules of the Road. The proposals designated IXc, as revised, are approved and set forth in this document The actions of the Merchant Marine Council with respect to comments received regarding these proposals are approved. The major change concerned the proposal to permit omission of lights on moored barges entirely when in the Illinois River north of Brandon Lock and Dam at Joliet, Ill. It was modified to permit omission of lights only in well-lighted areas. The regulations identify the areas where such lights may be omitted.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521) and others specifically listed with the various rules and regulations below, the following actions are ordered:

1. The rules and regulations in 33 CFR Parts 80 and 95 shall be amended in

accordance with changes in this document.

2. The amendments to the regulations shall be effective October 1, 1966.

LIGHTS FOR CERTAIN CLASSES OF VESSELS

Section 80.16a(h) is amended to read as follows:

**§ 80.16a Lights for barges, canal boats, scows, and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intracoastal Waterway.**

* * * * *

(h) Lights for moored barges shall be as described in this paragraph.

(1) The following barges, when moored in or near a fairway, shall display between the hours of sunset and sunrise the barge lights described in subparagraph (2) of this paragraph:

(i) Every barge projecting into a buoyed or restricted channel.

(ii) Every barge so moored that it reduces the available navigable width of any channel to less than 250 feet.

(iii) Barges moored in fleets more than two barges wide or to a maximum width of over 80 feet, parallel to the bank.

(iv) Every barge moored to the bank in any manner other than parallel thereto.

(2) Barges required to be lighted under subparagraph (1) of this paragraph shall carry two white lights of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile, so located as to give unobstructed view and arranged as follows:

(i) On a single moored barge, a light on each outboard or channelward corner.

(ii) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel in such a group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(3) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this paragraph.

* * * * *

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157. Treasury Department Order 167-33, Sept. 23, 1958, 23 F.R. 7592)

LIGHTS FOR FERRYBOATS AND BARGES

**§ 95.35 [Canceled]**

1. Section 95.35 *Lights for barges at bank* is canceled. (The revised requirements are in § 95.36.)

2. Section 95.36 is amended to read as follows:

**§ 95.36 Lights for barges at bank or dock.**

(a) Lights for barges at bank or dock in the Mississippi River and its tributaries and in the Atchafalaya River above its junction with the Plaquemine-Morgan City Alternate Waterway shall be as required by this section.

(b) The following barges, when moored in or near a fairway, except those barges exempted under the provisions of paragraph (e) of this section, shall display between the hours of sunset and sunrise the barge lights described in paragraph (c) of this section:

(1) Every barge projecting into a buoyed or restricted channel.

(2) Every barge so moored that it reduces the available navigable width of any channel to less than 250 feet.

(3) Barges moored in fleets more than two barges wide or to a maximum width of over 80 feet, parallel to the bank.

(4) Every barge moored to the bank in any manner other than parallel thereto.

(c) Barges required to be lighted under paragraph (b) of this section shall carry two white lights of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile, so located as to give unobstructed view and arranged as follows:

(1) On a single moored barge, a light on each outboard or channelward corner.

(2) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel in such a group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(d) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this section.

(e) Barges moored in well-illuminated areas of the Illinois River north of Brandon Lock and Dam at Joliet, Ill., shall not be required to display the lights prescribed in paragraph (c) of this section. These areas are as follows:

CHICAGO SANITARY SHIP CANAL

(1) Mile 293.2 to 293.9—Material Service Corp.

(3) Mile 295.2 to 296.1—Material Service Corp. and Commonwealth Edison Co.

(5) Mile 297.5 to 297.8—Pure Oil Docks.

(7) Mile 298 to 298.2—Ceco Steel Docks.

(9) Mile 298.6 to 298.8—Lemont Manufacturing Co.

(11) Mile 299.3 to 299.4—Mechmar Development Co.

(13) 299.8 to 300.5 (Stephen Street Bridge)—Tri-Central Oil Co.

(15) Mile 303 to 303.2—North American Car Corp.

(17) Mile 303.7 to 303.9—Hannah Inland Waterways Transportation Co.

(19) Mile 305.7 to 305.8—Publicker Chemical Co.

(21) Mile 310.7 to 310.9—Shell Oil Co.

(23) Mile 311 to 311.2—General American Tank Storage Terminal.

(25) Mile 312.5 to 312.6—Trumbull Asphalt Co.

(27) Mile 313.8 to 314.2—Lake River Oil Terminal.

(29) Mile 314.6—Waterways Terminals, Inc.

(31) Mile 314.8 to 315.3—Commonwealth Edison Co. and Material Service Corp.

(33) Mile 315.7 to 316—Sanitary District Rock.

(35) Mile 316.8—Whitewater Petroleum Terminal Co.

(37) Mile 316.85 to 317.05—Hughes Oil Co.

(39) Mile 217.5—Socony Vacuum Oil Co.

(41) Mile 318.4 to 318.9—Commonwealth Edison Co.

(43) Mile 318.7 to 318.8—Bell Oil Co.

(45) Mile 320 to 320.3—Globe Fuel & Humble Oil.

(47) Mile 320.6—American Sugar Refining Co., South Branch of Chicago River and Chicago River.

(49) Mile 322.3 to 322.4—Commonwealth Edison Co.

(51) 322.8—Time, Inc.

(53) Mile 322.9 to 327.2.

CALUMET SAG CHANNEL

(61) Mile 316.5—Marine Oil Co. unloading piers.

LITTLE CALUMET RIVER

(71) Mile 321.2—Pump house outfall.

(73) Mile 322.3—South bank.

CALUMET RIVER

(81) Mile 328.5 to 328.7—Cargill Grain Elevator.

(83) Mile 329.2 to 329.4—Continental Grain Elevator.

(85) Mile 330, west bank to 330.2.

(87) Mile 331.4 to 331.6—Rail to Water Transfer Corp.

(89) Mile 332.2 to 332.4—Dundee Cement Co.

(91) Mile 332.6 to 332.8—Material Service Corp.

(R.S. 4233A, as amended, 33 U.S.C. 353. Treasury Department Order 167-33, Sept. 23, 1958, 23 F.R. 7592)

Dated: August 29, 1966.

[SEAL] W. J. SMITH,
*Admiral, U.S. Coast Guard,*
*Commandant.*

[F.R. Doc. 66-9743; Filed, Sept. 6, 1966; 8:47 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-SW-43]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the 1,200-foot floor portion of the Wichita Falls, Tex., transition area.

This portion of the Wichita Falls, Tex., transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 34°10'00'' N., longitude 97°49'00'' W.; thence E via latitude 34°10'00'' N., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Airport, Ardmore, Okla. (latitude 34°18'00'' N., longitude 97°00'50'' W.) to longitude 97°18'00'' W.; thence S via longitude 97°18'00'' W.; to latitude 33°56'00'' N., longitude 97°18'00'' W.; to latitude 33°48'00'' N., longitude 97°44'-00'' W.; to latitude 33°34'00'' N., longitude 97°44'00'' W.; to latitude 33°22'00'' N., longitude 97°55'00'' W.; to latitude 33°16'00'' N., longitude 98°30'00 W.; to latitude 33°16'00'' N., longitude 98°51'-00'' W.; to latitude 33°02'00'' N., longitude 98°51'00'' W.; to latitude 32°52'00'' N., longitude 99°02'00'' W.; to latitude 32°52'00'' N., longitude 99°14'00'' W.; to latitude 33°31'00'' N., longitude 99°14'-00'' W.; to latitude 33°31'00'' N., longitude 99°49'00'' W.; to latitude 33°56'00'' N., longitude 99°42'30'' W.; to latitude 34°15'00'' N., longitude 99°30'00'' W.; to latitude 34°08'00'' N., longitude 99°05'-00'' W.; to latitude 34°21'00'' N., longitude 98°46'00'' W.; to point of beginning.

It is proposed to alter that portion of the description which reads, "latitude 33°56'00'' N., longitude 99°42'30'' W.; to latitude 34°15'00'' N., longitude 99°30'-00'' W.; to latitude 34°08'00'' N., longitude 99°05'00'' W.; to latitude 34°21'00'' N., longitude 98°46'00'' W.; to point of beginning," to read "latitude 33°56'00'' N., longitude 99°42'30'' W.; to latitude 34°18'00'' N., longitude 99°33'00'' W.; to latitude 34°15'00'' N., longitude 99°30'-00'' W.; to latitude 34°08'00'' N., longitude 99°05'00'' W.; to latitude 34°21'00'' N., longitude 99°46'00'' W.; to point of beginning."

The proposed transition area alteration would provide protection for aircraft executing a new high altitude VOR approach procedure to Altus AFB, Altus, Okla.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 24, 1966.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 66-9729; Filed, Sept. 6, 1966; 8:46 a.m.]

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### [ 14 CFR Part 71 ]

[Airspace Docket No. 66-CE-71]

### TRANSITION AREA

### Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace at Webster City, Iowa.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Webster City, Iowa, terminal area, proposes the following airspace action:

Designate the Webster City, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Webster City Municipal Airport (lat. 42°26'25'' N., long. 93°52'00'' W.), and within 2 miles each side of the 151° bearing from Webster City Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 151° bearing from Webster City Airport extending from the airport to 12 miles SE, excluding the portion which overlies the Fort Dodge, Iowa, transition area.

A public instrument approach procedure is being developed utilizing the privately owned "H" facility located on the Webster City, Iowa, Municipal Airport. This procedure will become effective concurrently with the designation of controlled airspace.

The proposed 700 foot floor transition area will provide controlled airspace protection for departing aircraft during climb from 700 feet to 1,200 feet above the surface. It will also provide controlled airspace protection for aircraft utilizing the prescribed instrument approach procedure during descent from 1,500 feet to 700 feet above the surface.

The proposed 1,200 foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during the portion of the procedure executed at and above 1,500 feet above the surface, and while in the holding pattern airspace at Webster City.

No airways will traverse the proposed transition area.

Since the proposed controlled airspace is being developed to protect a new instrument approach procedure, no procedural change will be required by the actions proposed herein.

Specific details of this proposal and the procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Fed-

eral Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 19, 1966.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 66-9730; Filed, Sept. 6, 1966; 8:46 a.m.]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 66-WE-35]

## FEDERAL AIRWAYS

### Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Designate a north alternate to V-4 from Burley, Idaho, 10 miles 1,200 feet AGL, 6,500 feet MSL INT Burley 344° T (326° M) and Boise, Idaho, 104° T (085° M) radials, 59 miles, 10,500 feet MSL, 16 miles, 8,500 feet MSL, 1,200 feet AGL to Boise excluding the airspace between V-4 and this north alternate.

2. Extend V-138 from Boise, 22 miles, 1,200 feet AGL, 16 miles, 8,500 feet MSL, 84 miles, 10,500 feet MSL, 1,200 feet AGL to Pocatello, Idaho.

3. Extend V-293 from Twin Falls, Idaho, 29 miles, 1,200 feet AGL, 36 miles, 8,700 feet MSL, 81 miles, 11,300 feet MSL, 9,900 feet MSL to McCall, Idaho.

4. Extend V-484 from Salt Lake City, Utah, 56 miles, 1,200 feet AGL, 79 miles, 10,500 feet MSL, 1,200 feet AGL to Twin Falls.

These actions would provide controlled airspace within which air traffic services could be provided to scheduled air carrier aircraft presently operating along certificated off airway routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66-9731; Filed, Sept. 6, 1966; 8:46 a.m.]

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## [ 14 CFR Part 75 ]

[Airspace Docket No. 66-CE-69]

## JET ROUTE AND RADAR AND NONRADAR JET ADVISORY AREAS

### Proposed Extension and Designation

The Federal Aviation Agency is considering amendments to Part 75 of the Federal Aviation Regulations which would: Extend Jet Route No. 515 from Pembina, N. Dak., direct to Fargo, N. Dak.; extend J-515 radar advisory area from Pembina to 14 nautical miles south of Pembina; designate J-515 nonradar advisory area from 14 nautical miles south of Pembina to Fargo; and designate a nonradar jet advisory area for the segment of Jet Route No. 36 from Fargo to the positive control area boundary southeast of Fargo.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The extension of J-515 and the designation of the advisory areas as proposed would facilitate the movement of scheduled jet traffic operating from Minneapolis, Minn., over Fargo; Pembina to Winnipeg, Canada.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 26, 1966.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 66-9732; Filed, Sept. 6, 1966; 8:46 a.m.]

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## [ 14 CFR Part 121 ]

[Docket 7522; Notice 66-26A]

## CRASHWORTHINESS AND PASSENGER EVACUATION

### Operating Rules

On July 26, 1966, the Federal Aviation Agency issued a notice of proposed rule making (Notice 66-26) relating to emergency evacuation equipment requirements and operating procedures for transport category airplanes (31 F.R. 10275). Many of the proposed items affected Federal Aviation Regulations Part 25 only, while others were intended to apply to both Parts 25 and 121. There is apparently some confusion as to whether the Agency intended two of the proposed items to apply to both Parts 25 and 121. This supplement to Notice 66-26 is being issued to clarify the Agency's intent with regard to these items. Except for the two items discussed herein there is no change to the proposals contained in Notice 66-26.

All comments with respect to this supplement received on or before October 15, 1966, will be considered by the Administrator before taking action on the proposals contained herein and those contained in Notice 66-26. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

*Emergency lighting system.* (Item 5 under "emergency exit marking and interior lighting" in Notice 66-26.) The Agency intends the proposed change in the manner in which the emergency lighting system functions to apply to both Parts 25 and 121. Therefore, sole dependence on an inertial switch would not suffice for airplanes type certificated (including amendments and supplemental type certificates involving an increase in passenger seating capacity) under Part 25 or for transport category airplanes operated under Part 121 after June 30, 1968. Thus, § 121.310(d) would be amended as set forth below to make it consistent with the requirement proposed for § 25.812(g) in Notice 66-26. In addition, the crew would be required to turn the emergency lighting system on before each takeoff and each landing and during taxiing.

*Exterior marking.* The Agency intends the proposed changes in the reflectance level requirements for exterior marking to apply to passenger emergency exits on all airplanes operated under Part 121. However, the Agency does not propose to require the immediate repainting of the airplanes that have recently been repainted to comply with the requirements of present § 121.310(g).

The Agency therefore proposes to make this new requirement applicable whenever the exterior exit markings of an airplane operating under Part 121 are repainted but not later than June 30, 1969.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by amending paragraphs (d) and (g) of § 121.310 to read as follows:

**§ 121.310 Additional emergency equipment.**

* * * * *

(d) *Interior emergency light operation.* After June 30, 1968, each light on each passenger-carrying airplane required by paragraph (c) of this section must be designed so that—

(1) It is operable manually from the flight crew station and from a point in the passenger compartment that is readily accessible to a flight attendant during takeoff and landing; and

(2) When it is switched on at either station, each light remains energized after interruption of the airplane's normal electric power.

Each light must be switched on before each takeoff and landing and during taxiing.

* * * * *

(g) *Exterior exit markings.* Whenever the exterior exit markings on an airplane are repainted or after June 30, 1969, whichever occurs first, each passenger emergency exit that is required to be openable from the outside, and its means of opening, must be marked on the outside of the airplane in accordance with the following:

(1) There must be a two inch colored band outlining the exit.

(2) Each outside marking, including the band, must have color contrast to be readily distinguishable from the surrounding fuselage surface. The contrast must be such that if the reflectance of the darker color is 15 percent or less, the reflectance of the lighter color must be at least 45 percent. "Reflectance" is the ratio of the luminous flux reflected by a body to the luminous flux it receives. When the reflectance of the darker color is greater than 15 percent, at least a 30 percent difference between its reflectance and the reflectance of the lighter color must be provided.

(3) In the case of exits other than those in the side of the fuselage, such as ventral or tail cone exits, the external means of opening, including instruction if applicable, must be conspicuously marked in red, or bright chrome yellow if the background color is such that red is inconspicuous. When the opening means is located on only one side of the fuselage, a conspicuous marking to that effect must be provided on the other side.

* * * * *

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, 1424).

Issued in Washington, D.C., on September 2, 1966.

C. W. WALKER,
*Director,*
*Flight Standards Service.*

[F.R. Doc. 66-9817; Filed, Sept. 6, 1966; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

**[ 47 CFR Part 91 ]**

[Docket No. 16777]

## INDUSTRIAL RADIO SERVICES

### Allocation of Certain Unassigned Band-Edge Frequencies; Order Extending Time for Filing Comments

In the matter of amendment of Part 91 of Commission's rules to allocate certain unassigned band-edge frequencies in the 150.8–162 Mc/s band; Docket No. 16777.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a request filed by the Special Industrial Radio Service Association, Inc. (SIRSA) for extension of time for filing comments in the above-captioned matter from September 1, 1966, to October 21, 1966.

2. In support of its request, SIRSA states that the frequency coordinators of the Association will be holding an annual meeting in Washington, D.C., on October 13, 1966, and the Association's Board of Directors will be conducting a business meeting on the following day at which time possible alternatives or complementary uses of the spectrum for which allocation is proposed in the above-entitled proceeding will be explored.

3. It appears that the additional time requested by SIRSA would not unduly delay action and the comments would be useful to the Commission in resolving the issues in this proceeding.

4. In view of the foregoing: *It is ordered,* This 1st day of September 1966, pursuant to §§ 0.331(b)(4) and 1.46 of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended from September 1, 1966, to October 21, 1966, and that the time for filing reply comments is extended from September 15, 1966, to November 7, 1966.

Released: September 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 66-9767; Filed, Sept. 6, 1966; 8:49 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[Antidumping—ATS 643.3–b]

### PLASTIC CONTAINERS FROM CANADA

### Withholding of Appraisement Notice

AUGUST 31, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the foreign market value of polyethylene containers, item No. 665 F–30, imported from Canada, manufactured by Reliance Products Ltd., Winnipeg, Canada, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

In accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), customs officers are being directed to withhold appraisement of polyethylene containers, item No. 665 F–30, imported from Canada, manufactured by Reliance Products Ltd., Winnipeg, Canada. This withholding order, and the dumping investigation on which it is based, is limited to the importations from and transactions of and with Reliance Products Ltd., Winnipeg, Canada. All importations entered, or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER are subject to this order.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on January 25, 1966. This information was the subject of an "Antidumping Proceeding Notice" which was published on page 5527 of the FEDERAL REGISTER of April 7, 1966, pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)).

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
*Commissioner of Customs.*

[F.R. Doc. 66–9745; Filed, Sept. 6, 1966; 8:47 a.m.]

### Office of the Secretary

[Dept. Circ. 570, 1966 Rev. Supp. No. 4]

### UNITED FIRE AND CASUALTY CO

### Surety Company Acceptable on Federal Bonds

AUGUST 31, 1966.

A certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13. An underwriting limitation of $101,000.00 has been established for the company.

*Name of Company, Location of Principal Executive Office, and State in Which Incorporated.*

United Fire & Casualty Co.
Cedar Rapids, Iowa
Iowa

Certificates of Authority expire on May 31 each year, unless sooner revoked, and new Certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C. 20226.

[SEAL] GEORGE F. STICKNEY,
*Deputy Fiscal Assistant Secretary.*

[F.R. Doc. 66–9746; Filed, Sept. 6, 1966; 8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50–133]

### PACIFIC GAS AND ELECTRIC CO.

### Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an order extending to February 28, 1967, the expiration date specified in Provisional Operating License No. DPR–7 issued to the Pacific Gas & Electric Co. authorizing steady state operation at thermal power levels up to 240 megawatts of the Humboldt Bay Unit No. 3 nuclear reactor located at its site in Humboldt County, Calif.

Copies of the Commission's order and the application dated August 11, 1966, filed by the Pacific Gas & Electric Co., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of August 1966.

For the Atomic Energy Commission.

E. G. CASE,
*Acting Director,*
*Division of Reactor Licensing.*

[F.R. Doc. 66–9717; Filed, Sept. 6, 1966; 8:45 a.m.]

[Docket No. 27–10]

### NUCLEAR ENGINEERING CO., INC.

### Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 25 to License No. 4–3766–1 as set forth below.

This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC–ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Nuclear Engineering Co., Inc., of its intent to amend License No. 4–3766–1 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC–ICC Memorandum of Understanding. Nuclear Engineering Co., Inc., consented to the proposed modification of its license in a letter dated August 2, 1966.

This amendment authorizes Nuclear Engineering Co., Inc., to receive and dispose at its facility near Beatty, Nev., 2,317 grams of uranium 235 contained in a total of 95 55-gallon drums.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this amendment see (1) the application and (2) the related memorandum prepared by the Division of Materials Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Materials Licensing.

Dated at Bethesda, Md., August 29, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
*Director,*
*Division of Materials Licensing.*

[License No. 4-3766-1; Amdt. 25]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property;

C. The application for license amendment dated June 10, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that Act; and

D. The issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License is amended as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material", 10 CFR Part 40, "Licensing of Source Material", and 10 CFR Part 70, "Special Nuclear Material", a license is hereby issued to Nuclear Engineering Co., Inc., Box 594, Walnut Creek, Calif., to receive and possess waste byproduct and source material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150, to receive and possess waste special nuclear material in any State of the United States, to store waste special nuclear material at a facility located in Cowell, Calif., and to process, package, store, and dispose by burial in the soil waste byproduct, source, and special nuclear material.

Condition 4 is amended to read:

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391–73.395, 49 CFR Part 73, "Regulations Applying to Shippers," and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

Condition 18B is hereby deleted.

Condition 19 is hereby added to read as follows:

19. The licensee is authorized to receive 95 55-gallon drums containing a total of 2,317 grams of uranium 235 and to dispose of the drums by burial in the soil at its facility near Beatty, Nev. The uranium 235 shall be contained in drums as set forth in the application for license amendment dated June 10, 1966. The licensee shall receive and dispose of the uranium 235 in accordance with the radiological safety procedures and limitations contained in the application for license amendment dated June 10, 1966.

Dated at Bethesda, Md., August 29, 1966.

For the Atomic Energy Commission.

J. A. McBRIDE,
*Director,*
*Division of Materials Licensing.*

[F.R. Doc. 66-9718; Filed, Sept. 6, 1966; 8:45 a.m.]

# FEDERAL AVIATION AGENCY

[OE Docket No. 66-CE-3]

## MINNESOTA-IOWA TELEVISION CO.

### Notice of Hearing

Counsel for the Minnesota-Iowa Television Co., Myrtle, Minn., with the concurrence of the Minnesota Department of Aeronautics, has requested continuance of the hearing while a study is made of a new proposal for an antenna structure 1,000 feet above ground level at the same site.

Therefore, notice is hereby given that the above entitled proceeding, now noticed to be convened on September 19, 1966 (31 F.R. 10288), is continued until further notice.

Issued in Washington, D.C., on August 29, 1966.

GEORGE R. BORSARI,
*Presiding Officer.*

[F.R. Doc. 66-9733; Filed, Sept. 6, 1966; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16678, 16831; FCC 66-765]

## BAY BROADCASTING CO. AND REPORTER BROADCASTING CO.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Bay Broadcasting Co., San Francisco, Calif.; Docket No. 16678, File No. BPCT-3621; Reporter Broadcasting Co., San Francisco, Calif.; Docket No. 16831, File No. BPCT-3562; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 24th day of August 1966;

1. The Commission has before it for consideration the above-captioned applications of Bay Broadcasting Co. and Reporter Broadcasting Co., each requesting a construction permit for a new television broadcast station to operate on Channel 38, San Francisco, Calif. By Order (FCC 66-501) released June 8, 1966, the Commission designated for hearing the above-captioned application of Bay Broadcasting Co., but declined to designate the mutually exclusive application of Reporter Broadcasting Co. for comparative hearing because its application was not sufficiently complete to enable a determination to be made as to whether the applicant was qualified to construct, own and operate the proposed station. The Commission, however, determined to afford Reporter Broadcasting Co. an opportunity to amend its application to eliminate the deficiencies therein. On July 27, 1966, Reporter Broadcasting Co. filed an amendment to its application in response to the Commission's letter of June 2, 1966.

2. The following matters are to be considered in connection with the issues specified below with respect to the application of Reporter Broadcasting Co.:

a. Based on information contained in the application, cash of approximately $470,000[1] will be required for the construction and operation of the proposed station for 1 year. To meet these requirements, the applicant relies upon the availability of cash on hand of $10,000 and loans of $75,000 from each of three stockholders who appear to be financially qualified to meet their commitments to the applicant, totaling $235,000 available to the applicant. The applicant relies upon revenues (estimated to be $518,400 in the first year) for the balance ($235,000) of the necessary funds. Although the Commission requested the applicant to furnish a showing as to the basis for its estimate of revenues (as required by Ultravision Broadcasting Co., FCC 65-581, 5 RR 2d 343) and establishing the reasonableness thereof, no such showing has been made. An issue will be specified, therefore, to determine the basis for the applicant's estimate of revenues and whether such estimate is reasonable.

b. The Commission requested the applicant to furnish a comprehensive statement showing the basis for its estimate of first year operating expenses and establishing the reasonableness thereof because the Commission was unable to determine, from the information contained in the application, whether the applicant could effectuate the operation proposed. The applicant made no changes in its estimate of first year operating costs and has not furnished the showing requested. An issue will be specified, therefore, to determine the basis for the applicant's estimate of first year operating costs and whether such estimate is reasonable.

c. Reporter Broadcasting Co. proposes to operate 56 hours per week, of which 46.7 percent (approximately 26 hours) will be local live programing. The applicant, however, has not furnished the information required by section IV-B, page 4, FCC Form 301, with respect to

[1] Consisting of down payment for equipment ($91,250), curtails and interest for equipment ($66,500), remodeling of studio ($15,000), curtails and interest on loans ($47,700), antenna installation charges ($4,380), miscellaneous expenses ($25,000), and costs of operation ($219,816).

program classification and it is not possible, therefore, to ascertain the accuracy of the applicant's representations. The applicant will, therefore, be required to furnish the necessary information subsequent to the release date of this order.

d. In the light of the substantial amount of local live programing proposed, question is raised as to the ability of the applicant to effectuate the type of operation proposed with the staff proposed.[2]

3. Reporter Broadcasting Co. has not furnished the information required by section IV, paragraph 12, FCC Form 301, with respect to the citizenship and other information as to the department heads and other officials enumerated therein. The applicant will, therefore, be required to amend its application within twenty (20) days after the date of release of this order to furnish the required information.

4. The transmitter proposed by Reporter Broadcasting Co. has not been type-accepted by the Commission. In the event of a grant of the application, therefore, such grant shall be subject to the condition that, prior to licensing, acceptable data shall be submitted for type-acceptance in accordance with the requirements of § 73.640 of the Commission's rules.

5. Except as indicated by the issues specified below, Reporter Broadcasting Co. appears to be qualified to construct, own, and operate the proposed television broadcast station. The application is mutually exclusive with that of Bay Broadcasting Co. (BPCT–3621) in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is therefore unable to make the statutory finding that grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below. The issues set forth below shall supersede the issues specified by the Commission in its order (FCC 66–501) designating for hearing the application of Bay Broadcasting Co.

*Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Bay Broadcasting Co. and Reporter Broadcasting Co. are designated for hearing in a consolidated proceeding in Docket No. 16678, upon the following issues:

1. To determine, in connection with the application of Bay Broadcasting Co.:

a. The source of $10,000 in "existing capital" upon which the applicant relies in part to meet its cost of construction and operation and the amount of "existing capital" which may be available to the applicant.

b. Whether the persons who have subscribed to stock and promissory notes have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet their commitments to the applicant.

c. Whether Westel Co., subscriber to 7.42 percent of the applicant's stock, has legal authority to subscribe to and purchase stock or subscribe to promissory notes in the applicant corporation and if so, whether the general manager of Westel Co. has the authority to commit the company to such subscriptions and purchases.

d. If (c), above, is resolved in the affirmative, whether Westel Co. is financially qualified to meet its commitments to the applicant.

e. The terms and conditions upon which a loan will be available to the applicant from Pacific National Bank of San Francisco, and whether such terms and conditions can be met by the applicant.

f. The basis for the applicant's estimate of revenues in its first year of operation and whether such estimate is reasonable.

g. In the light of the evidence adduced pursuant to the foregoing, whether the applicant is financially qualified.

2. To determine, in connection with the application of Reporter Broadcasting Co.:

a. The basis for the applicant's estimate of revenues in its first year of operation, whether such estimate is reasonable, and the extent to which revenues may be relied upon to yield necessary funds for the operation of the proposed station for the first year.

b. The basis for the applicant's estimate of operating expenses in its first year of operation and whether such estimate is reasonable.

c. In the light of the evidence adduced pursuant to the foregoing, whether the applicant is financially qualified.

d. Whether the applicant can effectuate the type of operation proposed with the staff proposed.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the issues specified in this proceeding, which, if either, of the applications should be granted.

*It is further ordered,* That the specification of issues herein shall supersede the specification of issues in the Commission's order (FCC 66–501) released June 8, 1966, in this proceeding.

*It is further ordered,* That, within twenty (20) days of the date of release of this order, Reporter Broadcasting Co. shall amend its application to furnish the information required by section IV–B, page 4, FCC Form 301, and section IV, paragraph 12, FCC Form 301.

*It is further ordered,* That, in the event of a grant of either of the above-captioned applications, such application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable date for type-acceptance of its proposed transmitter in accordance with the requirements of section 73.640 of the Commission's rules.

*It is further ordered,* That, in the event of a grant of either application, operation of the new station shall be in accordance with offset designators to be specified in a subsequent order.

*It is further ordered,* That, to avail itself of the opportunity to be heard, Reporter Broadcasting Co., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the date of mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: August 31, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 66–9768; Filed, Sept. 6, 1966; 8:49 a.m.]

[2] The applicant proposes a staff of 11 persons, consisting of production personnel (4), technical personnel (3), and administrative and other (4). No information is furnished as to the duties of these persons nor whether the figures furnished include the applicant's principals, or any of them.

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[Docket Nos. 16767, 16768; FCC 66M–1157]

## AMERICAN TELEVISION SERVICE AND HOLSTON VALLEY BROADCASTING CORP.

### Order Continuing Prehearing Conference

In re applications of Earl L. Boyles, C. E. Feltner, Jr., and Airways Broadcasting Co., Inc., doing business as American Television Service, Kingsport, Tenn.; Docket No. 16767, File No. BPCT–3269; Holston Valley Broadcasting Corp., Kingsport, Tenn.; Docket No. 16768, File No. BPCT–3760; for construction permit for new television broadcast station (Channel 19).

The Hearing Examiner has before him a "Petition for Extension" filed by American Television Service on August 31, 1966, requesting continuance of prehearing conference. Counsel for the other parties have consented to grant of the petition and to its immediate consideration.

*Accordingly, it is ordered,* This 1st day of September 1966, that the petition is granted and the prehearing conference now scheduled for September 2, 1966, is

[1] Commissioner Loevinger concurring in the order but not in the opinion; Commissioner Wadsworth absent.

continued to September 15, 1966, at 9 a.m.

Released: September 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 66-9769; Filed, Sept. 6, 1966; 8:49 a.m.]

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[Docket No. 16786; FCC 66M-1145]

## MIDWEST TELEVISION, INC. (KFMB-TV) ET AL.

### Order Continuing Prehearing Conference

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif.; for immediate temporary and for permanent relief against extensions of service of CATV systems carrying signals of Los Angeles stations into the San Diego area; Petitioner; Mission Cable TV, Inc., El Cajon, Calif.; Southwestern Cable Co., San Diego, Calif.; Pacific Video Cable Co., Inc., El Cajon, Calif.; Trans-Video Corp., El Cajon, Calif.; and Rancho Bernardo Antenna Systems, Inc., La Jolla, Calif.; Respondents; Docket No. 16786.

*It is ordered*, This 30th day of August 1966, that the prehearing conference scheduled to commence on September 8, 1966, is continued to September 9, 1966, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: August 31, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 66-9770; Filed, Sept. 6, 1966; 8:49 a.m.]

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[Docket Nos. 16676, 16677; FCC 66R-333]

## ROYAL BROADCASTING CO., INC. (KHAI) AND RADIO KHAI, INC.

### Memorandum Opinion and Order Enlarging Issues

In re applications of Royal Broadcasting Co., Inc. (KHAI), Honolulu, Hawaii, Docket No. 16676, File No. BR-4120; for renewal of license; Radio KHAI, Inc., Honolulu, Hawaii; Docket No. 16677, File No. BP-16294; for construction permit.

1. The Review Board has before it for consideration a motion to enlarge issues, filed on June 27, 1966, by Royal Broadcasting Co., Inc. (KHAI) (hereinafter referred to as Royal).[1] Royal requests that issues be added concerning possible misrepresentations to the Commission by Lincoln Dellar, Radio KHAI's principal, and Radio KHAI's financial qualifications. Royal also requests that existing Issue (3)[2] be clarified or that a separate issue be added to permit a determination of whether Radio KHAI abused the Commission's processes by misusing the publication requirements of Rule 1.580. The Broadcast Bureau and Radio KHAI, Inc., oppose Royal's requests.

2. The above-captioned applications were consolidated for hearing by Commission Memorandum Opinion and Order (FCC 66-499, released June 7, 1966) on the following questions: (1) The financial qualifications of Royal; (2) Royal's compliance with §§ 1.613 and 1.615 of the rules with respect to the reporting of certain agreement or pledges relating to Royal's stock; (3) whether Royal and/or Radio KHAI had abused the Commission's processes with regard to a previous assignment of license application;[3] (4) a standard comparative issue; and (5) in light of the above, which, if either, of the applications should be granted.

3. In relevant part, Royal, the present licensee of Station KHAI, Honolulu, Hawaii, makes the following allegations with respect to the requested misrepresentation issue: Lincoln Dellar and his wife, the principals of Radio KHAI, acquired Station KROY, Sacramento, Calif., by virtue of the Commission's grant of a transfer application (BTC-3539) on November 2, 1960, to Sacramento Broadcasters, a corporation wholly owned by the Dellars. The transfer application mentioned the possibility of a future stock assignment agreement between Sacramento Broadcasters and William H. Weaver, the proposed manager of Station KROY. On October 31, 1960, an agreement with Weaver was entered into by Dellar and Sacramento Broadcasters, Inc., providing that Weaver would become general manager of Station KROY for a period of 2 years and that the agreement would be automatically renewable for successive 2-year periods unless 60 days prior written notice was given by either party. Weaver was to receive a salary plus a percentage of the station's gross receipts. The agreement also provided a stock option to Weaver, exercisable prior to December 31, 1964, for 20 percent of the corporation's stock at a stated price payable over a 10-year period if certain conditions precedent were met. This agreement, Royal contends, is not on file with the Commission, although it is referenced in the station's ownership reports. On October 10, 1962, Station KROY filed a "Modification" of the October 31, 1960, agreement dated June 15, 1962; KROY's letter of transmittal stated that Weaver did not in fact sign the document until September 25, 1962. The "Modification" provided for an increase in Weaver's percentage of the gross billings, an extension of Weaver's stock option for as long as he remained manager of Station KROY, specifically extended Weaver's employment to July 1, 1964, and retained the renewal provisions of the October 31, 1960, agreement. On February 6, 1964, Royal alleges, Weaver exercised his stock option by written notice to the corporation; this notice was not filed with the Commission and, by letter dated April 5, 1965, Dellar notified the Commission that the agreement of June 15, 1962, had been terminated by Weaver on September 25, 1964. Royal states that Weaver did not terminate the agreement on September 25, 1964, and that Weaver has instituted a suit in the California courts demanding specific performance of the option agreement and compensation for his discharge as general manager.

4. Radio KHAI and the Bureau oppose Royal's request for the addition of a misrepresentation issue. Radio KHAI answers that the October 31, 1960, agreement between Sacramento Broadcasters, Inc. (Dellar) and Weaver, upon which Royal premises its request, was in fact filed with the Commission on December 1, 1960.[4] The agreement is also referenced in a KROY ownership report filed on December 5, 1960, and again in KROY's license renewal application filed on November 6, 1962. Radio KHAI further asserts that, as it explained to the Commission in its letter of October 10, 1962, Weaver did not sign the "Modification" agreement until September 25, 1962. As to KROY's failure to inform the Commission that Weaver had exercised his stock option and Station KROY's error in informing the Commission that the agreement with Weaver had been terminated on September 25, 1964, Radio KHAI contends that Weaver "resigned and thereby terminated his option on September 26, 1964"; the matter is presently being litigated in the courts of the State of California; and if the Court decides that the facts are other than as reported by KROY, the Commission will be fully advised. In reply Royal notes that Dellar has never informed the Commission that "Weaver exercised the option, in writing, on February 6, 1954 [sic], more than 7 months before the date of the alleged termination of the agreement and 14 months before the Commission was informed of this alleged

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[1] Other related pleadings before the Board are: An opposition filed July 12, 1966, by Radio KHAI, Inc.; comments, filed on July 22, 1966, by the Broadcast Bureau; a reply to Radio KHAI's opposition, filed July 25, 1966, by Royal; a reply to the Bureau's comments, filed Aug. 3, 1966, by Royal; and an affidavit, filed Aug. 3, 1966, by Royal. On Aug. 18, 1966, Radio KHAI, Inc., filed an "additional reply" to Royal's Reply to its opposition; and a petition to accept this pleading. Royal, on Aug. 25, 1966, filed an opposition to petition to accept additional pleading. Radio KHAI contends that its pleading is responsive to "a fact raised for the first time in the Royal Broadcasting reply." This is not the case, however (see par. 7 of Royal's petition), and Radio KHAI's "additional reply" will not be accepted.

[2] Issue (3): "To determine, in light of all the facts and circumstances surrounding the assignment of license application (BAL-4912), whether Robert Sherman and Royal Broadcasting Co. or Lincoln Dellar and Radio KHAI, Inc., or both, abused the Commission's processes."

[3] On Sept. 23, 1963, Royal filed an application for consent to assignment of the license of Station KHAI to Radio KHAI, Inc. (BAL-4912). This application was dismissed at the request of Royal on Feb. 28, 1964.

[4] Although counsel for Radio KHAI asserts that the agreement in question was filed on December 1, 1960, the Commission's staff has not been able to locate the item. Royal, in its reply to Radio KHAI, says with respect to the filing of the agreement: "Counsel's assertions are, of course, accepted."

termination." Royal also notes that Dellar had not reported Weaver's lawsuit to the Commission prior to the filing of Royal's motion to enlarge. Moreover, a letter written by Dellar's attorney and addressed to Weaver dated November 6, 1964, indicates that Weaver's resignation was made orally on September 26, 1964, and that Dellar knew of the dispute as to whether Weaver still had stock rights in the licensee of KROY 7 months prior to the April 1965 notification to the Commission.

5. Royal has not made sufficient allegations of fact to support its request for a misrepresentation issue.[5] The fact that Weaver has commenced a suit against the Dellars in a California court indicates no more than that there exists a bona fide, legal dispute involving a private contract between Weaver and the Dellars. The Dellars may ultimately be shown to have been mistaken as to the validity of Weaver's exercise of the option, but such an error in legal or factual judgment does not raise a question of deliberate misrepresentation to the Commission.

6. Notwithstanding the above, Dellar's failure to inform the Commission of the existence of the civil controversy raises a question whether Dellar has complied with his obligation to keep the Commission informed of significant events occurring after the filing of the application.[6] Although the application form (Form 301) does not specifically ask whether an applicant or a principal of an applicant has any civil suits pending against him, it is established policy that an applicant report any substantial change which may be of decisional significance in a Commission proceeding involving the pending application. See The Riverside Church in the City of New York, FCC 62–968, 24 RR 195; Tidewater Teleradio, Inc., FCC 62–1246, 24 RR 653. In view of the facts and circumstances presented, an issue to determine whether Dellar complied with his responsibility of informing the Commission of significant changes is warranted and the information developed thereunder may be weighed in evaluating the comparative qualifications of Radio KHAI.

7. Royal's request for a financial qualifications issue against Radio KHAI is supported by a detailed list of "required minimum costs for the construction and operation of the proposed * * * [Radio KHAI] station."[7] This list was compiled by Robert Sherman, Royal's sole stockholder, based upon his personal knowledge of broadcasting and Hawaii. According to Sherman, Radio KHAI's minimum cost for construction and first year's operation would be $314,000, a figure far in excess of the $100,000 committed to Radio KHAI by the Dellars. Royal also asserts that the $120,000 which Radio KHAI estimates as its first year revenues is unsupported and therefore cannot be used to partially satisfy its financial requirements. Moreover, Royal contends, even if the $120,000 estimated revenues could be used, Radio KHAI's financial sources would still fall $94,000 below the "minimum" figure offered by Royal.

8. Radio KHAI opposes the addition of a financial issue and states that Royal, in representing Radio KHAI's own cost of construction and initial operating expenses as $154,000, has disregarded an amendment filed on July 20, 1964, increasing that figure $15,000–$20,000. Radio KHAI disputes the "minimum" figure offered by Royal on the theory that Royal's experience is not an indicant of what Radio KHAI will require and that Royal has provided no factual basis for concluding that Royal's estimate is more accurate than Radio KHAI's estimate of about $174,000. The Bureau opposes the addition of the issue as lacking in specificity. Further, the Bureau recognizes that Radio KHAI's estimated revenues cannot be relied upon in considering the financial qualifications of that applicant absent a showing as to the basis for them. However, the Bureau would not question Radio KHAI's financial qualifications due to the large personal net worth of the Dellars, Radio KHAI's principals.

9. Lincoln Dellar and his wife have subscribed to 5,000 shares ($50,000) of Radio KHAI stock; a further agreement between the Dellars and Radio KHAI provides for the Dellars to lend Radio KHAI "up to Fifty Thousand Dollars ($50,000) * * *." Thus, the applicant is assured of financing up to $100,000 to meet costs of construction and initial operation which it estimates will be about $174,000. Due to this $74,000 deficiency, Radio KHAI's proposal suggests that the applicant may have to rely upon operating revenues to finance its first year of operation. Although Radio KHAI lists its anticipated first year revenues as $120,000, there is no information presently in the record to support this estimate. Royal and the Bureau have correctly stated the Commission's policy as to the necessity of substantiation of estimated revenues before they can be considered in satisfying a question of financial qualifications. See Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 243 (1965). Contrary to the Bureau's position, the Board cannot find Radio KHAI to be financially qualified on the basis of the large personal net worth reflected in the Dellars' balance sheet.[8] The Dellars have agreed to subscribe to Radio KHAI's stock in the amount of $50,000 and have agreed to lend the applicant "up to" $50,000. Absent some indication that they would increase their financial contribution, Radio KHAI is assured of a maximum of only $100,000, $74,000 less than its estimated needs. Lastly, the conflicting cost estimates of Royal and Radio KHAI require that this aspect of financial qualifications also be explored at hearing. Therefore, Royal's request for a financial qualifications issue will be granted.[9]

10. The third issue which Royal requests is whether Lincoln Dellar and Radio KHAI have abused the publication requirements of the Commision's rules. Royal contends that Radio KHAI placed its public notice of filing in the only two newspapers of general circulation in the State of Hawaii on March 5, 6, 10, and 11, 1964; and that the wording, size of type, and positioning in the main news section of those newspapers were not in accordance with the usual "legal notice" practice. Royal argues that much of the information which Radio KHAI's notice contained was "gratuitous" and has injured Royal in the eyes of "its advertisers, creditors, lessors, and listening audience." In the alternative, Royal asks that present Issue (3) (see footnote 2, supra) be clarified to permit a showing of the above matters.

11. Radio KHAI's opposition pleading states that: The appearance of its public notice in two papers was the result of an error made by the agency which handles advertising for both newspapers; the size of the type utilized in the notice was not large and was in fact smaller than that used by Royal in its public notice of hearing; the wording of the notice was accurate at that time and appropriate in view of the similarity between Radio KHAI's corporate name and the call letters of Royal's station (KHAI) and the prior, recent notice concerning the proposed transfer from Royal to Radio KHAI. The Bureau would deny Royal's request, viewing the matters raised as de minimis and Issue (3) as limited to the dismissed assignment application which the applicants herein had previously filed with the Commission. See footnote 3, supra. In its reply pleading, Royal contends that Radio KHAI's opposition is not adequate and again requests the addition of an issue.

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[5] As to filing of the Oct. 31, 1960, agreement, the Board accepts counsel's assurance that it was in fact duly filed with the Commission on Dec. 1, 1960. Counsel's assurance is supported by the Dec. 5, 1960, ownership report filed by Station KROY which references the Oct. 31, 1960, agreement. See also footnote 2, supra.

[6] On Nov. 13, 1964, the Commission amended Pt. I of the rules to specifically require an applicant to keep his application up to date and to inform the Commission of "any substantial change as to any matter which may be of decisional significance * * *." (Sec. 1.65 of the rules.)

[7] The Commission designated a general financial issue against Royal, a renewal applicant, on the basis of the station's past financial difficulties, financial representations, and proposals for sale.

[8] Springfield Television Broadcasting Corp., FCC 64R–243, 2 RR 2d 841, cited by the Bureau, is not dispositive; in that case the applicant's principal, who had a large net worth, and others indicated a willingness to increase the amount of funds available to the venture.

[9] However, since no question has been raised concerning the Dellars' ability to meet their commitment to Radio KHAI of up to $100,000, the showing under this issue should be limited to financial requirement in excess of $100,000.

12. The Board agrees with the Bureau's characterization of the question raised by Royal as de minimis. Petitioner states that it can demonstrate that injury was caused to it by Radio KHAI's action, but has not done so in its petition. The Board can find no wrongdoing in Radio KHAI's actions regarding the public notice of filing. In § 1.580 of the rules, which deals with the method of publication, the Commission has set minimum standards for informing the public; applicants must make public at least the information called for that section. This does not mean that an applicant cannot do more. We agree with petitioner that the notice requirement of § 1.580 could be abused, but such has not been shown to be the case in this proceeding. Therefore, the requested issue will not be added and existing Issue (3) will remain limited in the manner described by the Commission in its designation order.

*Accordingly, it is ordered,* This 30th day of August 1966, That the motion to enlarge issues, filed on June 27, 1966, by Royal Broadcasting Co., Inc. (KHAI), is granted to the extent reflected herein and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the basis of Radio KHAI, Inc's (1) estimated construction costs and (2) estimated operating expenses for the first year of operation; and

(b) In the event that the applicant will depend upon operating revenues during the first year of operation to meet fixed costs and operating expenses, to determine the basis of Radio KHAI, Inc.'s estimated revenues for the first year of operation; and

(c) To determine, in light of the evidence adduced, whether Radio KHAI, Inc. has demonstrated a reasonable likelihood of construction and continuing operation of its proposed station in the public interest;

(d) To determine whether Lincoln Dellar properly exercised his responsibilities and obligations as a Commission licensee to inform the Commission of the circumstances surrounding the lawsuit pending against him and Sacramento Broadcasters, Inc. brought by William H. Weaver, and, if so, the effect thereof on the comparative qualifications of Radio KHAI, Inc.; and

*It is further ordered,* That the petition to accept additional pleading filed by Radio KHAI, Inc., on August 18, 1966, is denied.

Released: August 31, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 66-9771; Filed, Sept. 6, 1966; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 1, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40692—*Joint motor-rail rates—Southwestern Territory.* Filed by J. D. Hughett, agent (No. 84), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 28 to J. D. Hughett, agent, tariff MF-ICC 404.

By the Commission.

[SEAL] H. NEIL GARSON,
*Secretary.*

[F.R. Doc. 66-9843; Filed, Sept. 6, 1966; 8:49 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Wildlife Order 77]

## PORTION OF RICHARD I. BONG AIR FORCE BASE, KANSASVILLE, WIS.

### Transfer of Property to State of Wisconsin

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Chicago, Regional Office, dated July 13, 1966, the property comprising 1,986 acres fee and 17.93 acres easements, identified as a portion of the Richard I. Bong Air Force Base, Kansasville, Wis., and more particularly described in the conveyance document has been transferred by deed effective July 7, 1966, to the State of Wisconsin.

2. The above identified property was transferred to the State of Wisconsin for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: August 29, 1966.

CURTIS A. ROOS,
*Acting Assistant Commissioner for Property Disposal, Property Management and Disposal Service.*

[F.R. Doc. 66-9741; Filed, Sept. 6, 1966; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-3217, etc.]

## ATLANTIC RICHFIELD CO.

### Order Amending Orders Issuing Certificates, Redesignating Proceedings, and Redesignating FPC Gas Rate Schedules

AUGUST 30, 1966.

On July 1, 1966, Atlantic Richfield Co. filed notices of change in name to advise the Commission that its corporate name had been changed from The Atlantic Refining Co. on May 3, 1966, all as more fully set forth in the notices.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to The Atlantic Refining Co. are amended by changing the name of the certificate holder to Atlantic Richfield Co., and in all other respects said orders shall remain in full force and effect.

(B) The pending proceedings in which The Atlantic Refining Co. is Applicant or Respondent are redesignated to reflect the change in name to Atlantic Richfield Co.

(C) The FPC gas rate schedules of The Atlantic Refining Co. are redesignated as those of Atlantic Richfield Co. and shall retain the numerical designations heretofore assigned.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 66-9748; Filed, Sept. 6, 1966; 8:47 a.m.]

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[Docket No. RI67-47, etc.]

## DAVIDOR & DAVIDOR, INC., ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 30, 1966.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

[1] Does not consolidate for hearing or dispose of the several matters herein.

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 12, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf | | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI67-47 | Davidor & Davidor, Inc., 4515 North Santa Fe, Oklahoma City, Okla. | [2] 5 | 1 | Cities Service Gas Co. (Northwest Doby Springs Field, Harper County, Okla.) (Panhandle Area). | $873 | 8-2-66 | [3] 9-2-66 | [4] 9-3-66 | [7] 16.0 | [5] [8] 17.0 | |
| | do | [2] 6 | 1 | Cities Service Gas Co. (Northeast Vining Field, Grant County, Okla.) (Oklahoma "Other" Area). | 3,772 | 8-2-66 | [3] 9-2-66 | [4] 9-3-66 | [7] [8] 13.0 | [5] [8] 14.0 | |
| RI67-48 | Davidor & Davidor, Inc. (Operator), et al. | [2] 7 | 1 | Cities Service Gas Co. (Northeast Selman Pool, Harper County, Okla.) (Panhandle Area). | 433 | 8-2-66 | [3] 9-2-66 | [4] 9-3-66 | [7] 16.0 | [5] [7] 17.0 | |
| RI67-49 | Mayflo Oil Co. (Operator), et al., 1435 Republic National Bank Bldg., Dallas Tex. 75201. | [2] 16 | 1 | Cities Service Gas Co. (Northeast Waynoka Field, Wood County, Okla.) (Oklahoma "Other" Area). | 1,800 | 8-2-66 | [3] 9-2-66 | [4] 9-3-66 | [7] 13.0 | [5] [7] 14.0 | |

[2] Basic contracted dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[8] Includes 0.75 cent deduction for dehydration of gas by buyer.

Davidor & Davidor, Inc., and Davidor & Davidor, Inc. (Operator), et al. (both referred to herein as Davidor), request retroactive effective dates of December 23, 1964 (for Supplement No. 1 to Rate Schedule Nos. 5 and 7, respectively), and January 1, 1965 (for Supplement No. 1 to Rate Schedule No. 6), the contractually provided effective dates. Mayflo Oil Co. (Operator), et al. (Mayflo), request that their proposed rate increase be permitted to become effective on September 1, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Davidor and Mayflo's rate filings and such requests are denied.

The contracts related to the rate filings proposed by Davidor and Mayflo were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates are above the applicable area rate ceiling for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Davidor and Mayflo's rate filings should be suspended for 1 day from the date shown in the "Effective Date" column of Appendix "A".

[F.R. Doc. 66-9750; Filed, Sept. 6, 1966; 8:47 a.m.]

[Docket Nos. RP67-8, RP67-9]

## TRANSWESTERN PIPELINE CO. AND EL PASO NATURAL GAS CO.

### Order To Show Cause Instituting Proceeding on Flow Through of Liberalized Depreciation Tax Deductions

AUGUST 30, 1966.

The Commission in its Opinion No. 500, issued July 26, 1966 (Transwestern Pipeline Co., et al., Docket Nos. CP63-204, et al.), granted certificates of public convenience and necessity to Transwestern Pipeline Co. (Transwestern) and El Paso Natural Gas Co. (El Paso), subject to the conditions therein set forth. Among other things, the Commission there stated that although there appeared to be a prima facie case for applying the policy of Alabama-Tennessee Natural Gas Co., Opinion No. 417, 31 FPC 208, affirmed 359 F. 2d 318 (CA5), to both of the successful applicants, it would nevertheless be more appropriate to accord the companies an opportunity to present a more complete record showing cause, if any there be, why their rates should not be further reduced to flow through the benefits of utilizing liberalized depreciation for tax purposes and to deduct the accumulated reserves in Account No. 282 from the rate base upon which their return is calculated.

These proceedings[1] are being instituted for purposes of implementing that prior determination.

We noted in Opinion No. 500 that the annual reports (Form No. 2) filed by Transwestern and El Paso indicate that each of those companies have growing plants, even without consideration of the effect of the expansions authorized by that opinion. The reports filed for calendar year 1965 show that Transwestern and El Paso had accumulated reserve balances in Account No. 282 as of December 31, 1965, of $12,516,000 and $62,331,000,[2] respectively. Deduction of those amounts from the applicable rate base would result in annual reduction of rates in the amount of approximately $1,504,000 for Transwestern and $7,341,900[2] for El Paso. Those annual reports further indicate that in addition, flow through of the benefits of liberalized depreciation utilized by those companies for tax purposes would have generated annual reductions in rates of about $3,100,000 for Transwestern and $5,100,000[2] for El Paso.

Admittedly, the foregoing data present only a prima facie basis for determining the rates of Transwestern and El Paso were we to apply the principles of Alabama-Tennessee to them. It does appear, however, that the rates and charges of Transwestern and El Paso may be excessive.

Therefore, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that we institute these proceedings pursuant to the procedures hereinafter provided.

The Commission orders:

(A) Pursuant to the provisions of sections 4, 5, 10, 14, 15, and 16 of the Natural Gas Act and the rules and regulations thereunder, Transwestern and El Paso shall show cause, if any there be, in writing and under oath, within 45 days from the date of issuance of this order, why the Commission shall not find and determine:

[1] This order shall not be construed as a consolidation of the proceedings hereby initiated either for hearing or decision.

[2] For El Paso's Southern Division alone the comparable figures are $41,643,000, $4,905,000, and $2,960,000 respectively.

(i) That each is a growth company which will have an expanding gross plant for the foreseeable future, based upon their historic experience and the expansions authorized in Opinion No. 500, and that there are no exceptional circumstances in their operations which make the principles enunciated in the Alabama-Tennessee decision (Opinion No. 417), inapplicable to either of them;

(ii) That each will earn a fair and reasonable return on its jurisdictional operations for the reasonably foreseeable future even if they are not permitted to retain the annual tax reductions from utilization of liberalized depreciation and to earn a return on a rate base which has not been reduced by the accumulated reserves in Account 282; and

(iii) That each should be directed to file revised tariffs, acceptable to the Commission, which reduce the rates prescribed for each of them in Opinion No. 500, to that level which results from flow through of the actual liberalized depreciation tax reductions in 1965 and the reduction of rate base by the accumulated reserve balance in Account No. 282 as of December 31, 1965; provided, however, that Transwestern and El Paso are not precluded hereby from making a proper showing that in lieu of flow through of actual liberalized depreciation tax reductions in 1965, such flow through should be on the basis of average annual tax reductions of some appropriate period comprised of 3 or 5 years.

(B) Each answer filed pursuant to this order shall specifically admit or deny each individual factual allegation contained herein and any matter not specifically controverted shall be deemed admitted and may form the basis for the entry of a final order based thereon.

(C) Without limitation of the rights of Transwestern and El Paso to submit such data and responses to paragraph (A) above, as each may deem appropriate, Transwestern and El Paso shall, within 45 days from the date of issuance of this order, file with the Commission a cost and revenue study conforming with subsection (f) of § 154.63 of the Commission's regulations under the Natural Gas Act (except Statements N and P). That study shall also include for each company its tax depreciation base and tax rate of depreciation segregated by the classes of properties shown on their respective tax returns for the calendar year 1965. That study shall utilize calendar year 1965, adjusted for changes in costs and revenues which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 9 months after the base period. Working papers prepared in conjunction with the cost and revenue study shall be included with such study and all statements, supporting data, schedules, and working papers shall be prepared in accordance with the classifications provided in the Uniform System of Accounts. Ten sets of the cost and revenue study and seven sets of the working papers shall be served upon the Commission, and Transwestern and El Paso shall simultaneously serve copies of the cost and revenue study upon each of their respective jurisdictional customers and the State commission of each State in which it does business. The study and supporting data hereby required to be filed by El Paso shall set forth separately the costs, revenues, and operations relating to its Southern Division and its Northwest Division.

(D) Notices of intervention and petitions to intervene in either of these proceedings may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before September 20, 1966, in accordance with §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-9751; Filed, Sept. 6, 1966; 8:47 a.m.]

[Docket No. CS67-4, etc.]

## M. B. RUDMAN, ET AL.

### Notice of Applications for "Small Producer" Certificates [1]

AUGUST 29, 1966.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 20, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. | Date filed | Name of applicant |
|---|---|---|
| CS67-4 | Aug. 4, 1966 | M. B. Rudman, 1730 Mercantile Dallas Bldg., Dallas, Tex. 75201. |
| CS67-5 | ....do.... | Raymond A. Williams, Jr., 1730 Mercantile Dallas Bldg., Dallas, Tex. 75201. |
| CS67-6 | Aug. 12, 1966 | Kermit Oil Co., Box 1665, Midland, Tex. 79701. |
| CS67-7 | Aug. 15, 1966 | W. Stewart Boyle, 477 San Jacinto Bldg., Houston, Tex. 77002. |
| CS67-8 | Aug. 8, 1966 | North Central Oil Corp., 1300 Main St., Houston, Tex. 77002. |
| CS67-10 | July 27, 1966 | W. A. Moncrief, Moncrief Bldg., Ninth and Commerce, Fort Worth, Tex. 76102. |
| CS67-11 | Aug. 3, 1966 | Gladys Lucille Barnett, 4401 Leddy Dr., Midland, Tex. 79701. |
| CS67-12 | ....do.... | Thomas D. Barnett, 4401 Leddy Dr., Midland, Tex. 79701. |
| CS67-13 | Aug. 4, 1966 | Paul DeCleva, Republic Bank Tower, Dallas, Tex. 75221. |
| CS67-14 | Aug. 10, 1966 | English Jackson, Inc., 321 Petroleum Bldg., Longview, Tex. 75603. |

[F.R. Doc. 66-9752; Filed, Sept. 6, 1966; 8:47 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Rev. 11)]

## AREA ADMINISTRATORS

### Delegation of Authority to Conduct Program Activities in Field Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, and Delegation of Authority 29 F.R. 14764, the following authority is hereby delegated:

I. *Area Administrators—A. Financial Assistance Program.* 1. To approve business loans not exceeding $350,000 (SBA share) and disaster loans not exceeding $1,000,000 (SBA share).

2. To decline business and disaster loans in any amount.

3. To disburse approved loans.

4. To enter into business and disaster loan participation agreement with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*

By _____
(Name)
*Area Administrator.*

6. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse of warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

12. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

B. *State and Local Development Company Loan Program.* 1. To disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

4. To do and perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 501 and 502 loans.

5. To substitute, add, or change the collateral requirements of any loan authorization where such change will not adversely affect the credit aspects of the loan.

6. To approve or decline section 501 and 502 loans.

C. *Procurement and Management Assistance Program.* 1. To approve applications for Certificates of Competency, regardless of the total contract value, received from small business concerns which are located within the geographical jurisdiction of his area office, with the exception of rereferred cases.[1]

2. To deny an application for a Certificate of Competency when the area administrator agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which if approved, might change the credit aspects of the case.[1]

D. *Administration.* 1. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

2. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

3. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

F. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Liquidation and Disposal Program.* To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations and assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

1. The assignment, endorsement transfer, and delivery (but in all cases without representation, recourse of warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

2. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain, and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing;

3. To take final action on an offer of compromise of any claim provided such action is in concurrence with the majority recommendation of the appropriate area liquidation and disposal group Claims Review Committee on claims not in excess of $5,000 (including CPC advances but excluding interest) or the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

II. The specific authority in the subsections (except subsections I.C.1 and I.C.2) may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Area Administrator.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

*Effective date:* September 1, 1966.

BERNARD L. BOUTIN,
*Administrator.*

[F.R. Doc. 66-9842; Filed, Sept. 6, 1966; 8:49 a.m.]

[1] These authorities cannot be redelegated.

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